



CASE NO. 20-cv-1123

**GREGORY BOYER, AS ADMINISTRATOR OF THE ESTATE OF
CHRISTINE BOYER, AND ON HIS OWN BEHALF**

V.

ADVANCED CORRECTIONAL HEALTHCARE, INC., ET AL.

DEPONENT:

JEFFREY SPENCER

DATE:

October 12, 2023



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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WISCONSIN

3 -----
4 Gregory Boyer, as Administrator
5 of the Estate of Christine Boyer,
6 and on his own behalf,

7 Plaintiff,

8 Case No. 20-cv-1123

9 - vs -

10 Advanced Correctional
11 Healthcare, Inc., et al.

12 Defendants.

13 -----
14 * * * * * *

15 VIDEOTAPED DEPOSITION OF JEFFREY SPENCER

16 TAKEN ON THE 12TH DAY OF OCTOBER, 2023

17 12:47 P.M.

18 REMOTELY VIA ZOOM

19 * * * * * *

20 Taken before Michelle A. Manni, RPR

	Page 2		Page 4
	APPEARANCES		INDEX
1			PAGE
2	STEPHEN WEIL, ESQUIRE, MEGAN PORTER, ESQUIRE, and	1	EXAMINATION
3	MARIA MAKAR, ESQUIRE, of the firm of Loevy & Loevy, 311	2	OF JEFFREY SPENCER
4	North Aberdeen Street, Third Floor, Chicago, Illinois	3	By Ms. Porter.....9
5	60607, appeared remotely via Zoom on behalf of the	4	By Mr. Knott.....82
6	Plaintiff.	5	By Ms. Porter.....83
7		6	
8	DOUGLAS S. KNOTT, ESQUIRE, and DANIEL A. KAFKA,	7	
9	ESQUIRE, of the firm of Lieb Knott Gaynor, LLC, 219 North	8	OBJECTIONS
10	Milwaukee Street, Suite 710, Milwaukee, Wisconsin 53202,	9	PAGE LINE
11	appeared remotely via Zoom on behalf of the Defendants	10	15 23
12	Advanced Correctional Healthcare, Inc., Amber Fennigkoh,	11	17 10
13	and Lisa Pisney.	12	17 25
14		13	19 18
15	ANDREW A. JONES, ESQUIRE, of the firm of Hansen	14	20 4
16	Reynolds, LLC, 301 North Broadway Street, Suite 400,	15	20 20
17	Milwaukee, Wisconsin 53202, appeared remotely via Zoom	16	22 7
18	on behalf of the Defendants Monroe County, Wisconsin,	17	23 25
19	Stan Hendrickson, Danielle Warren, Shasta Parker, and	18	24 15
20	Jeffrey Spencer.	19	25 20
21		20	27 11
22	MARK W. HARDY, ESQUIRE, and JOHN B. CASSERLY,	21	28 4
23	ESQUIRE, of the firm of Geraghty, O'Loughlin & Kenney,	22	31 18
24	Wells Fargo Place, 30 Seventh Street, Suite 2750, St.	23	40 16
25	Paul, Minnesota 55101, appeared remotely via Zoom on	24	40 25
		25	41 22
			5
	Page 3		Page 5
1	behalf of the Defendants USA Medical & Psychological	1	50 10
2	Staffing, S.C., Norman Johnson, Travis Schamber, Wesley	2	54 12
3	Harmston, and Jillian Bresnahan.	3	56 21
4		4	58 23
5	ALSO PRESENT REMOTELY:	5	59 8
6	Sheila Jones, videographer	6	63 22
7		7	64 25
8		8	66 18
9		9	67 21
10		10	69 7
11		11	69 19
12		12	71 12
13		13	72 10
14		14	75 21
15		15	76 6
16		16	77 11
17		17	77 20
18		18	78 20
19		19	79 12
20		20	81 4
21		21	83 20
22		22	84 8
23		23	84 13
24		24	84 19
25		25	85 17
			6

		Page 6		Page 8
1	85	17		
2				
3	EXHIBITS PREVIOUSLY MARKED FOR IDENTIFICATION			
4	Exhibit 47.....7 [Handwritten Notes]			
5	Exhibit 48.....7 [Text Messages]			
6	Exhibit 49.....7 [Supplemental Report By Jeffrey Spencer]			
7				
8				
9				
10	EXHIBITS MARKED FOR IDENTIFICATION			
11	Exhibit 51.....43 [Email Chain]			
12	Exhibit 52.....47 [Email]			
13	Exhibit 53.....60 [Email Chain]			
14	(Exhibit Nos. 51 - 53 were attached to the original transcript; copies to transcript copies.)			
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
		Page 7		
1	PROCEEDINGS			Page 9
2	(Exhibit 47 [Handwritten Notes], Exhibit 48			
3	[Text Messages], Exhibit 49 [Supplemental Report By			
4	Jeffrey Spencer] was previously marked for			
5	identification.)			
6	THE VIDEOGRAPHER: We are now on the record. My			
7	name is Sheila Jones. I'm the online video			
8	technician, and Michelle Manni is the court reporter.			
9	We represent Kentuckiana Court Reporters located at			
10	730 West Main Street, Suite 11, Louisville, Kentucky.			
11	Today is the 12th day of October 2023. The time			
12	12:47 p.m. Central time. We are convened by			
13	videoconference to take the deposition of Jeffrey			
14	Spencer in the matter of Greg Boyer as administrator			
15	of the estate of Christine Boyer, and on his own			
16	behalf, vs. Advanced Correctional Healthcare, Inc.,			
17	et al., pending in the United States District for the			
18	Western District of Wisconsin, Case No. 20-cv-1123.			
19	Will everyone, except for the witness, please			
20	state your appearance, how you're attending, and the			
21	location you are attending from, starting with			
22	plaintiff's counsel.			
23	MS. PORTER: Megan Porter for the plaintiff,			
24	appearing via Zoom from Chicago, Illinois.			
25	MR. WEIL: Stephen Weil appearing via Zoom from			

Page 10

1 Megan Porter. I am one of the plaintiff's counsel in this
 2 case. Have you ever been deposed in another case before?
 3 A. No.

4 Q. Okay. So first, I'm going to lay out some
 5 protocols for you, just some ground rules to help you
 6 understand how depositions work. I'm going to be asking
 7 you questions. You are going to be giving answers under
 8 oath, just like if you were in a courtroom with a judge
 9 and jury.

10 It can be a little bit strange because we're on
 11 Zoom, so the conversation can feel a little bit informal,
 12 but the answers that you give here in the deposition have
 13 the same force as if you were giving them in a courtroom
 14 before a judge.

15 The court reporter, who is present today, is
 16 going to be recording our conversation, as well as the
 17 videographer who is our filming the conversation. Because
 18 we are on Zoom and sometimes there can be a lag or a delay
 19 in the video feed on either end, all I ask for you, for
 20 the sake of the court reporter while they're transcribing,
 21 is that you wait until I'm done asking a question until
 22 you start your answer. It just helps the court reporter
 23 make sure that they can transcribe everything correctly.

24 If you don't understand a question that I ask,
 25 please tell me. I'm happy to repeat myself. I'm happy to

Page 11

1 clarify. I'm happy to rephrase, if that's what you need.
 2 But if you do respond to my questions, I'm going to
 3 presume that you understood it.

4 You know, please give verbal answers when
 5 responding rather than nodding your head or shaking your
 6 head. Please try to give verbal answers that are at least
 7 a word rather than ums or um-hmms, because it can be a
 8 little difficult for that to be transcribed on screen for
 9 the court reporter.

10 It also feels a little bit strange, but during
 11 the course of our conversation, while you're testifying,
 12 your lawyer will be periodically objecting to questions
 13 that I ask you. And you still continue to respond to my
 14 question, even if there's an objection, unless your lawyer
 15 asks you or directs you not to respond. Do you understand
 16 the rules that I laid out thus far?

17 A. Yes.

18 Q. Great. You can take a break at any time, as
 19 long as there isn't a question pending. All you got to do
 20 is ask me. Do you have any questions to any of the rules
 21 I laid out?

22 A. No.

23 Q. Okay. First of all, are you -- remind me, where
 24 are you currently located?

25 A. Sparta, Wisconsin.

Page 12

1 Q. Great. And are you currently alone in the room
 2 that you're in, or are you with anybody else?

3 A. Just Attorney Jones.

4 Q. Okay. Great. And do you have any documents
 5 laid out in front of you?

6 A. No.

7 Q. Great. And Attorney Jones, is that your
 8 counsel? Are you being represented by Attorney Jones?

9 MR. JONES: He is.

10 BY MS. PORTER:

11 Q. Great. Okay. So first, I want to spend a
 12 little bit of talking about how you prepared for your
 13 deposition. So without revealing the substance of your
 14 conversations with your counsel, did you meet with your
 15 attorneys before today's conver- -- before today's
 16 deposition?

17 A. Yes.

18 Q. Okay. Who did you meet with?

19 A. Attorney Jones.

20 Q. Great. And how many times did you meet?

21 A. We spoke over the phone, I think, twice.

22 Q. Okay. And about how long were each of those
 23 meetings?

24 A. First one was relatively short, less than half
 25 an hour. The other one, a little more than an hour.

Page 13

1 Q. Okay. And was Attorney Jones the only other
 2 person present at those meetings?

3 A. Yes.

4 Q. Great. And did you review any documents to
 5 prepare for today's deposition?

6 A. Yes.

7 Q. What did you review?

8 A. A report that I completed, some medical
 9 documents, and some photos that I took.

10 Q. Okay. Do you remember the medical documents
 11 that you reviewed? What were those?

12 A. There's some from Gundersen and then a single
 13 page from UW-Madison from an autopsy report.

14 Q. Okay. Great. And then the photos that you
 15 reviewed, what were those?

16 A. The photos that I took during my investigation.

17 Q. Okay. And photos of what?

18 A. The cell that Ms. Boyer had been in prior to her
 19 death.

20 Q. Okay. And -- okay. Did you look at any
 21 transcripts of testimony from any deposition in this case?

22 A. No.

23 Q. Okay. And the documents that you reviewed, how
 24 did you receive those? How did they come into your
 25 possession?

Page 14

1 A. I've had them since the investigation.
 2 Q. Okay. Did you search for those documents and
 3 review them yourself, or were you sent those documents by,
 4 say, your attorney?
 5 A. Can you ask that again?
 6 Q. Yeah. Absolutely. Did you, on your own, select
 7 the documents that you reviewed, you know, go search for
 8 the documents, select them, review them yourself; or were
 9 you sent specific documents from your attorney?
 10 A. They were documents that I had, that I sent to
 11 him, that, my understanding, he sent them.
 12 Q. Okay. And so just for my clarification, you
 13 sent the documents that you reviewed to him. He did not
 14 sent to you any documents to review?
 15 A. Correct.
 16 Q. Okay. Thank you. Okay. Beyond your attorney,
 17 did you speak with anybody else to prepare for your
 18 deposition today?
 19 A. No.
 20 Q. Okay. And did you know Christine Boyer before
 21 you became involved in this case?
 22 A. No.
 23 Q. Did you know Greg Boyer?
 24 A. No.
 25 Q. Okay. So first, I want to talk a little bit

Page 16

1 mean, I'm not going to be able to list all of them
 2 off the top of my head. I need at least 24 hours
 3 every single year of ongoing training for the
 4 position. And it's ranged -- everything from
 5 firearms, emergency vehicle operations, law,
 6 instructor development, investigations, a wide, wide
 7 range of investigations --
 8 Q. Okay. And I apologize. I think there's a lag
 9 on my screen. You can finish your response.
 10 A. Yeah -- as well as number of management courses
 11 that I've attended.
 12 Q. Okay. And what is your current employment?
 13 A. I'm a captain with the Monroe County Sheriff's
 14 Office in Wisconsin.
 15 Q. Okay. Have you held other positions with Monroe
 16 County in the past?
 17 A. No.
 18 Q. No? Okay. When were you hired as a captain?
 19 A. I'm sorry. I think -- can you repeat your last
 20 question? I may have answered that wrong.
 21 Q. That's okay. When were you hired by Monroe
 22 County?
 23 A. Two thousand -- January of 2008. And I've held
 24 a number of positions within Monroe County since then.
 25 Q. Okay. Can you just quickly walk me through what

Page 15

1 about your background. What is your education?
 2 A. I have a bachelor's degree.
 3 Q. Okay. In what?
 4 A. Criminal justice.
 5 Q. Okay. And what did that degree entail, what
 6 kind of course of study?
 7 A. It was a bachelor's degree from Winona State
 8 University in Minnesota. It entailed four years of
 9 college-level classes, a mix of general education, as well
 10 as specific to criminal justice, law enforcement.
 11 Q. Okay. Do you have any certifications or
 12 training?
 13 A. Continued training from being on the job. Some
 14 specifically, I guess, right out of college, would have
 15 been the law enforcement academy for the State of
 16 Wisconsin certification.
 17 Q. Okay. I'm sorry I interrupted you.
 18 A. No. That's fine. If you had further -- and,
 19 again, just continuing education from the job.
 20 Q. Okay. What -- I'm sorry I interrupted you
 21 again. What -- what topics did the certifications in
 22 continuing education cover?
 23 MR. JONES: Objection to form.
 24 You can go ahead and answer, if you can.
 25 THE WITNESS: A wide range of things from -- I

Page 17

1 those positions were?
 2 A. I started as a patrol deputy for about two and a
 3 half years. I then became an investigator for another
 4 number of years. I then was promoted to lieutenant and
 5 then promoted -- or my position title changed from
 6 lieutenant to captain.
 7 Q. Okay. And in the course of your employment with
 8 Monroe County, have you ever had any civilian complaints
 9 filed against you?
 10 MR. JONES: Objection to form.
 11 Go ahead.
 12 THE WITNESS: Yes.
 13 BY MS. PORTER:
 14 Q. Okay. What were those?
 15 A. The one that I can think of off the top of my
 16 head was a driving complaint. A local business -- I drove
 17 through their parking lot responding to a call when they
 18 were open, didn't realize they were open. They complained
 19 that I drove through the parking lot is lights and sirens.
 20 Q. Okay. What was the disposition of that
 21 complaint?
 22 A. Just a verbal counseling.
 23 Q. Okay. And did you have any other civilian
 24 complaints during your time with Monroe County?
 25 MR. JONES: Objection to form.

Page 18

1 Go ahead.

2 THE WITNESS: Not that I recall.

3 BY MS. PORTER:

4 Q. Okay. Great. So you listed a couple of
5 different positions, including investigator --
6 investigator, lieutenant, and captain. Did any of
7 those -- well, actually, scratch that.

8 What were your responsibilities as an
9 investigator for Monroe County?

10 A. Investigated -- usually, followed up complaints
11 that our deputies on the road initially would take. It
12 was general investigations, so a mix of number of crimes,
13 yeah, just more in-depth than what our patrol deputies do.

14 Q. Okay. And what -- what dates were you an
15 investigator for Monroe County?

16 A. I don't have them in front of me. It would have
17 been the end of -- end of 2010 until the latter part of
18 2017, '16 or '17.

19 Q. Okay. And what position were you in at the time
20 of Christine Boyer's incident?

21 A. I would have been a lieutenant at that time.

22 Q. Okay. And what were your responsibilities as
23 lieutenant?

24 A. I oversaw the investigative bureau, the other
25 investigators within that. I would respond to assist in

Page 19

1 cases. I would assign cases to the investigators. There
2 are a number of other administrative-type duties that --
3 that I would do as well during that time, reviewing open
4 records, coordinating training.

5 Q. Okay. How long have you been doing
6 investigation work?

7 A. Since January of 2008, when I started at the
8 sheriff's office, our deputies do investigations. So I
9 wasn't specifically an investigator, but I've been
10 investigative work since I started working here.

11 Q. So -- and you said 2008. Am I correct?

12 A. Correct.

13 Q. Okay. So you have been doing investigations for
14 approximately 15 years; is that correct?

15 A. Yes. Yes.

16 Q. And what is your -- can you walk me through,
17 like, what your standard approach to an investigation is?

18 MR. JONES: Objection to form.

19 You can answer.

20 THE WITNESS: Depends on the type of
21 investigation.

22 BY MS. PORTER:

23 Q. Okay. But for investigation, you know, just
24 generally, there are, typically -- I would imagine between
25 different investigations, there's common steps that

Page 20

1 typically take in order to initiate investigations? What
2 were some of the -- what does that look like? How do you
3 initiate an investigation?

4 MR. JONES: Objection to form.

5 THE WITNESS: I mean, the first step -- thing
6 would be receiving the complaint either by somebody
7 reporting it or observing some violation of law.
8 Some of the basic steps then are interviewing victims
9 and witnesses, interviewing suspects --

10 MS. PORTER: Okay.

11 THE WITNESS: -- collecting evidence --

12 MS. PORTER: Okay.

13 THE WITNESS: -- preparing reports.

14 BY MS. PORTER:

15 Q. Okay. During your time with Monroe County, have
16 you ever reviewed or seen any written policies governing
17 investigations?

18 A. Yes.

19 Q. Okay. What do those policies say?

20 MR. JONES: Objection to form.

21 Go ahead.

22 THE WITNESS: I won't be able to say verbatim
23 what any of them say, especially over the time I've
24 worked here. I mean, policies change over time as
25 well, so I -- I don't believe I can accurately answer

Page 21

1 what the policies themselves say.

2 BY MS. PORTER:

3 Q. Okay. Are -- have you received any training on
4 investigations while you've been employed by Monroe
5 County?

6 A. Yes.

7 Q. Okay. What training have you received?

8 A. Again, I mean, this is not going to be all
9 inclusive, because I've received hundreds, if not
10 thousands of hours in training, investigations, specific
11 courses in investigating deaths. I have taken specific
12 courses in computer crimes, investigating those. I've
13 taken specific courses investigating domestic violence.

14 Q. Okay. So you said earlier that when -- some
15 general things that you do when you begin an investigation
16 are, you know, interviewing victims, interviewing
17 witnesses, collecting evidence, preparing reports. How
18 would you decide what evidence to look at in an
19 investigation?

20 A. I guess I look at any evidence that's collected.
21 And I mean, depending on what's located, what's --
22 what's -- you look at all the evidence in cases, I guess,
23 that I'm presented with and then decide on the value for
24 that particular case.

25 Q. Okay. So for example, if you are conducting an

Page 22

1 investigation into an incident that occurred at the Monroe
 2 County Jail, how do you decide what evidence to look at?
 3 A. I look at the evidence that I believe exists or
 4 is available.
 5 Q. Okay. And how do you acquire or access that
 6 evidence?
 7 MR. JONES: Objection to form.
 8 Go ahead.
 9 THE WITNESS: It depends on the evidence.
 10 BY MS. PORTER:
 11 Q. It depends on the evidence. Okay. What are
 12 some of the ways that you acquire evidence?
 13 A. Having somebody (inaudible).
 14 THE COURT REPORTER: I'm sorry. He's breaking
 15 up.
 16 THE WITNESS: It depends on the type of
 17 evidence.
 18 BY MS. PORTER:
 19 Q. Okay. Do you -- are you ever sent evidence by
 20 other members of Monroe County or the sheriff's
 21 department?
 22 A. Yes.
 23 Q. Do you collect your own evidence?
 24 A. Yes.
 25 Q. Do you seek out and identify evidence that you

Page 23

1 think might be relevant in an investigation?
 2 A. Yes.
 3 Q. Okay. How do you decide who to talk to in an
 4 investigation?
 5 A. It depends on their involvement. I mean, I seek
 6 out potential witnesses. And depending on where the
 7 investigation leads, I decide on who might need to be
 8 talked to.
 9 Q. Okay. And you said you decide who might need to
 10 be talked to. Do you identify witnesses by speaking with
 11 folks who were involved in a specific incident?
 12 A. Can you -- can you say that again?
 13 Q. Yeah. Absolutely. Do you ever identify
 14 witnesses in an investigation by, say, speaking to other
 15 folks who were involved in the incident?
 16 A. Yes.
 17 Q. Do you identify witnesses based off of
 18 collecting and reviewing evidence?
 19 A. Yes.
 20 Q. Okay. So correct me if I'm wrong, but my
 21 understanding is that it seems like you, for an
 22 investigation -- well, actually, scratch that.
 23 For an investigation, do you try to start broad
 24 with what you look at and who you speak to?
 25 MR. JONES: Objection to form.

Page 24

1 Go ahead.
 2 THE WITNESS: Yes.
 3 BY MS. PORTER:
 4 Q. I'm sorry. I didn't hear that.
 5 A. Yes. I would -- I generally start broad and
 6 then, depending on where that leads, narrow the scope from
 7 there.
 8 Q. Okay. Okay. I understand that. So start
 9 broad, narrow the scope. So would it be accurate to say
 10 that you start from a full universe of relevant evidence
 11 and witnesses, and you narrow as your investigation goes?
 12 A. Generally, yes.
 13 Q. Okay. And when you're reviewing investigations,
 14 what is your general goal for an investigation?
 15 MR. JONES: Objection to form.
 16 Go ahead.
 17 THE WITNESS: To find out what occurred and to
 18 find out if any laws -- if any laws were violated.
 19 BY MS. PORTER:
 20 Q. Okay. To find out what occurred and to find out
 21 if any laws were violated. Okay. When you say "to find
 22 out if any laws are violated," what laws are you referring
 23 to?
 24 A. The laws of the State of Wisconsin, generally,
 25 criminal laws of the State of Wisconsin.

Page 25

1 Q. Okay. Do you -- do you try to be thorough in
 2 your investigations?
 3 A. Yes.
 4 Q. Okay. And what does it mean for you to be
 5 thorough in an investigation?
 6 A. To gather enough evidence to reasonably
 7 understand what occurred.
 8 Q. Okay. Great. Okay. So as I understand it, you
 9 have been working investigations for quite some time, so
 10 for about 15 years. And you can correct anything I'm
 11 repeating back to you is wrong. You've been working about
 12 15 years. You've done many different hours of training on
 13 how to do different investigations.
 14 And it seems as though, when you're doing
 15 investigation work, you're trying to ensure that your
 16 approach to the investigation is as thorough as possible,
 17 be able to find out what occurred, and then figure out if
 18 any criminal laws have been violated? Does that sound
 19 correct?
 20 MR. JONES: Objection to form.
 21 Go ahead.
 22 THE WITNESS: Yes.
 23 BY MS. PORTER:
 24 Q. Okay. When did you first hear about the --
 25 about the incident related to Christine Boyer's death?

Page 26

1 A. I don't recall the exact date right now, but I
 2 know it was while she was in the hospital after her
 3 emergency.

4 Q. Okay. Okay. So it was while she was in the
 5 hospital. Can you kind of just, you know, walk me
 6 through, from the beginning, what you recall about when
 7 you first heard about the incident related to her death,
 8 that -- up through, you know, the beginning of your
 9 investigation?

10 A. I have very little direct recollection of -- of
 11 the conversations I had, the things that I did. Most of
 12 my recollection comes from the report that I completed.

13 Q. Okay. Do you -- without looking at the report,
 14 do you recall anything about how you became involved in
 15 Christine Boyer's case?

16 A. I recall, from reviewing my report, that
 17 Lieutenant Hallman had reached out to me to let me know
 18 that there had been this incident.

19 Q. Okay. Lieutenant Hallman reached out to you to
 20 let you know that there had been an incident. What did
 21 Lieutenant Hallman tell you had occurred?

22 A. As I remember, again, from reviewing my report,
 23 not directly from the conversation that we had three years
 24 ago, was that there was a female inmate who had a medical
 25 issue, CPR had been done, and she had been taken by

Page 28

1 some point during the investigation.

2 Q. Okay. So you recall a conversation with
 3 Hendrickson and Greg Boyer. When did that occur?

4 MR. JONES: Objection to form.
 5 You can answer.

6 THE WITNESS: During the investigation, it
 7 occurred. And I don't remember the conversation
 8 itself. I just independently remember being in his
 9 office for that conversation.

10 BY MS. PORTER:

11 Q. Okay. Was Greg Boyer in that office as well?
 12 A. He was not. It was a phone call.

13 Q. Okay. It was a phone call between you,
 14 Hendrickson, and Greg Boyer; is that right?

15 A. Correct. Hendrickson and I were both in the
 16 room together. Mr. Boyer, I mean, we had him on speaker
 17 phone so we could both talk to him.

18 Q. Okay. Were you speaking to him before
 19 Christine's death or after Christine's death?

20 A. I don't independently recall.

21 Q. Okay. What was the purpose of your phone call
 22 with Greg Boyer?

23 A. I don't have an independent recollection of
 24 that.

25 Q. Do you remember anything said -- Hendrickson

Page 27

1 ambulance and then -- then flighted to a hospital.
 2 Q. Okay. And at the time you and Lieutenant
 3 Hallman had -- actually, you know, to back up for a
 4 second, you know, at this point I -- I understand that you
 5 do not have the report in front of you, and I understand
 6 you previously reviewed the report. But what I would like
 7 to know right now is, what is your independent
 8 recollection of these events? So what do you remember,
 9 sitting here today, about what you spoke to Lieutenant
 10 Hallman about?

11 MR. JONES: Objection to form.

12 I mean, as I understand it she's asking you to
 13 distinguish your independent recollection from what
 14 you may know from having reviewed the report. And if
 15 you can do that, go ahead.

16 THE WITNESS: I don't have an independent
 17 recollection of that conversation with him.

18 BY MS. PORTER:

19 Q. Okay. Do you have an independent recollection
 20 of anything related to Christine Boyer's case, generally?

21 A. Generally, no.

22 Q. Okay. Do you have independent recollection of
 23 anything related to just the Boyer case at all?

24 A. I have -- I can remember independently being in
 25 Lieutenant Hendrickson's office, talking to Greg Boyer at

Page 29

1 said to Greg Boyer?

2 A. I do not.

3 Q. Do you remember anything that you said to Greg
 4 Boyer?

5 A. I do not.

6 Q. Do you remember anything that Greg Boyer said to
 7 you both?

8 A. Again, no, not independently.

9 Q. Okay. So you remember the phone call, but you
 10 don't remember the purpose of the phone call?

11 A. Not independently.

12 MS. PORTER: Okay. Why don't we -- let's take a
 13 break for five minutes, and let's, say, come back
 14 at -- I think we're all hopefully Central Time, but
 15 1:26, it looks like, around about that time.

16 MR. JONES: Okay.

17 MS. PORTER: Great.

18 THE VIDEOGRAPHER: Okay. The time is 1:21 p.m.
 19 We're going off the record.

20 (Pause in the proceedings.)

21 THE VIDEOGRAPHER: We're back on the record for
 22 the deposition of Jeff Spencer being conducted by
 23 videoconference. My name is Sheila Jones. Today
 24 October 12th, 2023. The time is 1:28 p.m. You may
 25 proceed.

Page 30

1 BY MS. PORTER:

2 Q. Okay. Captain Spencer, based on your own
 3 recollection, what was the purpose of your investigation
 4 into the circumstances surrounding Christine Boyer's
 5 death?

6 A. It was a criminal investigation, so to make sure
 7 that there wasn't something criminal related to her death.

8 Q. Okay. So when you say "there wasn't criminal
 9 related to your death" -- "her death," what do you mean?

10 A. That it wasn't a homicide or something like
 11 that.

12 Q. Okay. So it was -- actually, strike that.

13 And based on your own independent recollection,
 14 how did your investigation get initiated? How did it
 15 start?

16 A. I -- I don't have that independent recollection.

17 Q. Okay. And based on your own independent
 18 recollection, how -- how would you determine if something
 19 criminal had occurred resulting in her death?

20 A. Can you ask that again or in a different way?

21 Q. Yeah. You said the purpose of the information
 22 was a criminal investigation to determine if there were
 23 any criminal acts involved in Christine Boyer's death.

24 How do you go about determining if there were any criminal

25 acts involved in her death?

Page 31

1 A. By looking at the evidence surrounding how and
 2 why she died.

3 Q. Okay. What evidence?

4 A. Witness statements, videos, autopsy reports are
 5 all things I take into consideration just to determine
 6 what happened.

7 Q. Okay. You mention autopsy reports. Did you
 8 take into account medical records?

9 A. Yes.

10 Q. Okay. What does -- what would be the purpose of
 11 reviewing medical records in this investigation?

12 A. Helping to determine, again, why she died,
 13 because -- yeah.

14 Q. Okay. Were you trying to identify any medical
 15 errors that -- were you looking for any medical errors in
 16 her death?

17 A. No.

18 MR. JONES: Objection to form.

19 BY MS. PORTER:

20 Q. I'm sorry. You can repeat your answer?

21 A. No.

22 Q. No. Okay. So first -- let's see. The first
 23 thing that I want to do is -- oh, actually, strike that.

24 Going back to the last question, you said no,
 25 you were not trying to identify medical errors involved in

Page 32

1 her -- strike that.

2 You said you were not trying to identify any
 3 medical errors in her death. Why?

4 A. Because, generally, medical errors aren't a
 5 criminal act.

6 Q. Medical errors aren't, typically, a criminal
 7 act. Okay. So what I want to do first is, I'm going to
 8 share my screen. I believe this is previously entered as
 9 Exhibit 49. This should be -- okay -- Exhibit 49. Are
 10 you seeing the incident report on the screen?

11 A. Yes.

12 Q. Okay. And do you recognize this document?

13 A. Yes.

14 Q. Okay. And what is it?

15 A. I mean, from the first page there, it appears to
 16 be my report that I completed related to this case.

17 Q. Okay. And so you said the report that you
 18 completed related to this case. Did you author this
 19 document?

20 A. Yes.

21 Q. Okay. And if you look at this highlight, this
 22 portion I'm highlighting right now at the top, it says,
 23 for the record, "On December 23rd, 2019, I was advised by
 24 Lieutenant Hallman a female subject, identified as
 25 Christine Boyer, who had been hospitalized out of the jail

Page 33

1 during the early mourning hours."

2 Is December 23rd, 2019, your earliest
 3 involvement with the incident at issue in this case?

4 A. Yes.

5 Q. Okay. And then continuing on, it says, "I was
 6 advised that Christine possibly had a heart attack and may
 7 not survive. Lieutenant Hallman advised Christine had
 8 been in booking cell on medical watch and that cell had
 9 since been locked down." Does that encompass the full
 10 scope of your conversation with Lieutenant Hallman on
 11 December 23d, 2019?

12 A. I can't say that it was the full scope of that
 13 conversation, being that I can't remember the
 14 conversation. But from the report there, that appears to
 15 be the important parts of the conversation.

16 Q. Okay.

17 MR. JONES: If you -- it's too small for me to
 18 see on the screen. If you need her to zoom in at any
 19 point, you're welcome to ask her to do that.

20 BY MS. PORTER:

21 Q. Do you need me to zoom in, Captain Spencer?

22 A. I can see it.

23 Q. Okay.

24 MR. JONES: He's younger than me.

Page 34

1 BY MS. PORTER:

2 Q. Okay. So continuing on, it says, "I advised
 3 Lieutenant Hallman that we would keep it locked down until
 4 further information was gathered as to how we would be
 5 proceeding with the investigation."

6 So when you said "keep it locked down," what did
 7 you mean?

8 A. That we would keep the cell that she had been in
 9 locked, secured, that we wouldn't -- that jail staff
 10 shouldn't clean it out and let other people stay in there.

11 Q. Okay. And why would you do that for an
 12 investigation?

13 A. I mean, at that point, because she hadn't -- she
 14 was still alive at that point, we weren't sure that there
 15 was going to be an investigation. Generally, we would do
 16 that to preserve the scene, which was our attempt there.

17 Q. Okay. So the purpose of locking down the cell
 18 was to preserve the scene; is that right?

19 A. Correct.

20 Q. Okay. And then continuing on, it says, "On
 21 December 26, 2019, I was advised that Christine was still
 22 on life support but expected to be removed from life
 23 support later that day." Who advised you that she was on
 24 life support?

25 A. I don't recall.

Page 35

1 Q. Okay. And continuing on, it says, "I spoke with
 2 Sheriff Revels, and we agreed that I would complete an
 3 investigation." What did you remember about your
 4 conversation with Sheriff Revels?

5 A. That Sheriff Revels -- and independently, I
 6 don't recall the conversation. I mean, from the report
 7 there, just that it -- that an investigation would have
 8 needed to be completed, so I was assigned to do so.

9 Q. Okay. And who assigned you to complete an
 10 investigation?

11 A. I guess it was agreement between Sheriff Revels
 12 and I.

13 Q. Okay. And how would an investigation at Monroe
 14 County typically be started? Would it just be the verbal
 15 conversation with the sheriff? Would it be in writing
 16 somewhere? How did it actually -- how did it get started?

17 A. An investigation like this, I mean, under these
 18 circumstances, generally, it would -- he would just tell
 19 me an investigation would need to be completed. We would
 20 talk about who would do it, whether it be me or one of my
 21 investigators. That sort of thing is generally how it
 22 would happen.

23 Q. Okay. And do you remember where this
 24 conversation occurred?

25 A. I do not.

Page 36

1 Q. Okay. And what was the purpose? Did you -- did
 2 you and the sheriff discuss a purpose for the
 3 investigation during this conversation?

4 A. I -- I can't recall.

5 Q. Did the sheriff give you any sort of scope for
 6 the investigation?

7 A. I can't independently recall.

8 Q. Okay. Can you recall based off of your review
 9 of your report?

10 A. Yeah. It would have been agreed upon that it
 11 was a criminal investigation, what is -- is what I would
 12 be completing as opposed to an internal investigation or
 13 something else.

14 Q. Okay. What is the difference between a criminal
 15 investigation versus an internal investigation?

16 A. An internal investigation would be an
 17 investigation to find out if any policy, procedure, that
 18 sort of thing was violated as opposed to, again, a matter
 19 of criminal law.

20 Q. Okay. And now based on your review of your
 21 report in preparation for this deposition, do you recall
 22 receiving any instructions from the sheriff on what
 23 evidence to look at?

24 A. I don't believe I received instruction from him
 25 on what evidence I needed to look at.

Page 37

1 Q. Did you receive any suggestions from him on what
 2 evidence to look at?

3 A. I don't believe so.

4 Q. Okay. Did you receive any instruction or
 5 suggestion on what witnesses to talk to?

6 A. I don't believe so.

7 Q. Okay. Did you receive any instruction or
 8 suggestion to look at medical records?

9 A. From Sheriff Revels?

10 Q. Um-hmm. Yes.

11 A. No.

12 Q. Okay. Did you -- actually, strike that. Let me
 13 see.

14 Did the sheriff place any limitations on your
 15 investigation?

16 A. No. I don't believe so.

17 Q. Did you have any conversations with anyone in
 18 Monroe County, in the sheriff's department, that placed
 19 limitations on your investigation?

20 A. Not that I recall.

21 Q. Did you have any conversations with anybody in
 22 Monroe County Sheriff's Department that place any
 23 limitations on your investigation?

24 A. Sorry. I think the last two questions, in my
 25 head, they sounded the same. But what was --

Page 38

1 Q. That's okay. The distinction is, the first one,
 2 I was asking you if the sheriff gave you any limitations.
 3 The second one, I'm asking if anybody gave you or
 4 suggested limitations on your investigation?

5 A. No. Not that I recall.

6 Q. Okay. Let's see. And then -- so at this point,
 7 where you have spoken with the sheriff and agreed that you
 8 would complete an investigation, what would be your next
 9 step from there?

10 A. From what I recall, I gathered documentation
 11 from Lieutenant Hendrickson, being his -- Christine's jail
 12 file, that sort of thing. That, I believe, was my first
 13 step, was gathering that information that they had.

14 Q. Okay. And it says you collected her jail file
 15 and other paperwork. What was in her jail file?

16 A. Booking information. Again, I couldn't tell you
 17 completely what was in that jail file right now.

18 Q. What do you -- I apologize for interrupting.

19 What do you recall was in the jail file?

20 A. Her booking, like, face sheet. They have some
 21 other, like, booking documents that they -- are in there.
 22 Exactly what those are, I don't recall or know. Yeah. I
 23 don't recall all of the documents that were in there.
 24 That booking sheet with her basic demographic information,
 25 that sort of thing, is what I recall off the top of my

Page 39

1 head right now.

2 Q. Okay. Did you review -- were there any medical
 3 records in her jail file?

4 A. I don't recall.

5 Q. Okay. All right. And it also references other
 6 paperwork concerning the incident. What does "other
 7 paperwork" mean?

8 A. The way I have that sentence structured, I mean,
 9 I can't say for sure what the other paperwork would have
 10 been. I mean, paperwork that Lieutenant Hendrickson had
 11 that may not have been jail file paperwork or may have
 12 been and it was just poorly worded sentence. I can't say
 13 for sure.

14 Q. Did you review any medical records?

15 A. At some point I know I -- I did.

16 Q. Did you receive any medical records from
 17 Lieutenant Hendrickson?

18 A. I don't recall if he gave me those or I got them
 19 from another source.

20 Q. Okay. And so this latter portion, it says, "I
 21 also reviewed reports of Jail Sergeant Danielle Warren,
 22 Corrections Officer Lucas Runice, Corrections Officer Jeff
 23 Schwanz, Corrections Officer Kyle Moga, Patrol Sergeant
 24 Fritz Degner, and Deputy Alex Maas."

25 Are those all of the incident reports that you

Page 40

1 reviewed for your investigation?

2 A. Yes. I believe so.

3 Q. Okay. Did you speak with any of these
 4 individuals in your investigation?

5 A. Not that I recall.

6 Q. Why?

7 A. I felt like, especially initially, that the
 8 reports spoke to what it is that they knew, which
 9 information that they would have. So I felt like there
 10 was enough to move forward with the investigation from
 11 what was in the reports.

12 Q. Would it have been -- or strike that.

13 If you review a report written by an individual,
 14 would it be prudent to speak to that individual about what
 15 was in their report during the course of investigation?

16 MR. JONES: Objection to form.

17 THE WITNESS: I think I answered that, that it
 18 would depend. In this particular case, I felt like
 19 that information -- there was enough that I didn't
 20 need to speak with them.

21 BY MS. PORTER:

22 Q. Could there possibly be relevant information
 23 that you had obtained by speaking to those individuals
 24 that might not be in their report?

25 MR. JONES: Objection to form.

Page 41

1 THE WITNESS: Coupled with the other evidence
 2 that I found throughout the investigation, I did not
 3 believe that there would be any other relevant
 4 information that I would gather from speaking to
 5 them.

6 BY MS. PORTER:

7 Q. Okay. So that is based off of your
 8 determination that you did not believe speaking to them
 9 would yield relevant information; is that correct?

10 A. Correct.

11 Q. Okay. Did you have a lot of discretion, during
 12 your investigation, for what to look at and who to speak
 13 to?

14 A. Yes. I believe so.

15 Q. I apologize. There's something in my throat
 16 briefly.

17 Okay. So you had discretion about who to speak
 18 to and what evidence to review, and you determined that it
 19 would not be relevant to the investigation to speak to
 20 these individuals after reading their reports; is that
 21 correct?

22 MR. JONES: Objection to form.

23 Go ahead.

24 THE WITNESS: Not that it would be irrelevant.

25 I just felt it was unnecessary, again, with the other

Page 42

1 evidence I found.

2 BY MS. PORTER:

3 Q. I apologize. The first portion of you answer
4 came out a little muddled to me. Could you repeat?

5 A. Not that it wasn't -- I didn't believe it was
6 relevant with the other evidence that I had found.

7 Q. Okay. When you are -- I want to jump back for a
8 second. You said that the purpose of your
9 investigation -- it was a criminal investigation, and so
10 that would determine if any criminal acts had occurred
11 that resulted in Christine Boyer's death. Am I
12 remembering that correctly?

13 A. Yes.

14 Q. Okay. Does a criminal investigation involve you
15 making a determination about cause of death?

16 A. It's helpful, certainly.

17 Q. What do you mean by, "It's helpful"?

18 A. To know the cause of death is helpful in an
19 investigation.

20 Q. Okay. How would you typically -- when you say
21 it's helpful to know, where would you get that information
22 from? Would you be making the determination of the cause
23 of death?

24 A. No.

25 Q. Okay. I want to stop sharing for a moment. And

Page 43

1 I apologize. Give me just one moment while I work with my
2 exhibits.

3 Okay. I am going to share my screen. I believe
4 this is a new exhibit for us, and so this will be -- I
5 believe this is Exhibit 51, if I'm remembering correctly.
6 I would hope the court reporter can help me, where we left
7 off on the last one, if that's okay.

8 THE COURT REPORTER: Yes. It will be 51.

9 MS. PORTER: Great. Thank you so much.

10 (Exhibit 51 [Email Chain] was marked for
11 identification.)

12 BY MS. PORTER:

13 Q. Do you recognize this document, Captain Spencer?

14 A. I mean, I can see what the document is, yes.

15 Q. Okay. And so you see the portion that is
16 saying, from Jeffrey Spencer to Wes Revels, the sheriff,
17 and Robert Conroy; subject matter, jail death
18 investigation? Do you see that portion?

19 A. Yes.

20 Q. Okay. And so it says on here, "I have completed
21 my investigation into Boyer's death, and all appears to be
22 natural causes." Did you make a determination about
23 that? Did you make a determination that her cause of
24 death was natural causes?

25 A. I don't know if natural causes is the best

Page 44

1 terminology, but in the -- as it relates to my
2 investigation, natural causes being noncriminal act as
3 opposed to somebody didn't cause it, is what I meant by
4 "natural causes" in that email.

5 Q. So somebody didn't cause it, is what you mean by
6 "natural causes," is what I'm understanding?

7 A. Yes.

8 Q. Okay. So back to my previous question. Were
9 you making a determination about her cause of death here?

10 A. As it relates to my criminal investigation, I
11 mean, I think the -- in an email to the sheriff and chief
12 deputy being different than potentially an autopsy report,
13 where it gets more specific as to what may have caused the
14 death.

15 Q. Okay. How did you determine that she died from
16 natural causes?

17 A. Again, I mean, behind that being that there
18 wasn't -- the cause of her death wasn't from some criminal
19 act. That's what I meant by that.

20 Q. Okay. But that does not answer my question.
21 How did you determine that her cause of death was natural
22 causes?

23 A. I'm guessing, again, I didn't make that
24 determination. Her cause of death would have been listed
25 in the autopsy report.

Page 45

1 Q. Okay. So I'm going to stop sharing for a
2 moment, and we can jump back to the incident report. Give
3 me one moment.

4 Okay. I'm sharing my screen again. This is
5 back to Exhibit 49. I jumped down the page a little bit.
6 But do you see this portion I just highlighted with my
7 cursor that says, "On December 30th, 2019, I met with
8 Detective Walensky, who had attended the autopsy, which
9 occurred on 12/28/2019 by Dr. Michael Stier. I was
10 advised from the initial autopsy they were unable to
11 determine a cause of death, other than they were able to
12 determine that it was not caused by any physical trauma"?

13 Did you ever review anything beyond an initial
14 autopsy report in your investigation?

15 A. Did I review anything beyond that?

16 Q. Yeah. Did you review anything beyond the
17 initial autopsy report that's noted here at the bottom of
18 your report?

19 A. I did not review any other autopsy reports, if
20 there were any.

21 Q. Okay. Did you review any other document that
22 was produced by an medical expert that determined her
23 cause of death?

24 A. No.

25 Q. Okay. I know we're jumping around with you a

Page 46

1 little bit. I would like to go -- I would like to go to
 2 this portion I'm highlighting here. It says, "On December
 3 27th, 2019, approximately 9:40 p.m., I was informed that
 4 Boyer had passed away."

5 Do you recall this interaction?

6 A. Not independently of the report.

7 Q. Okay. With the recollection of the report, do
 8 you recall who told you this?

9 A. No. Not with the recollection of the report.

10 Q. Okay. You don't recall at all who told you or
 11 how you were informed that Christine Boyer had passed
 12 away?

13 A. I recall a text message. And I believe I was
 14 informed by the medical examiner. That's, generally, who
 15 I would, but I can't recall specifically.

16 Q. Okay. I'm going to stop sharing my screen for a
 17 moment and put up what, I believe, is a new exhibit.

18 Correct me if I'm wrong.

19 Q. Okay. Do you see the document being shared on
 20 the screen?

21 A. Yes.

22 Q. Okay. And this is Bates-stamped ACH 19154.

23 MR. JONES: Is this a new exhibit, 52?

24 MS. PORTER: I believe this is a new exhibit,
 25 52, yes.

Page 47

1 MS. JONES: And what was the Bates stamp, again?
 2 MS. PORTER: It is ACH 19154.
 3 MR. JONES: Thank you.
 4 (Exhibit 52 [Email] was marked for
 5 identification.)

6 BY MS. PORTER:

7 Q. Okay. Do you recognize this document?

8 A. No.

9 Q. Okay. So what I have in front of us on screen
 10 right now is -- you can read it from the top. Well,
 11 actually, strike that.

12 Why don't you take a moment to read this
 13 document? Let me know if you need me to make it larger on
 14 the screen.

15 MR. JONES: He's ready when you are, Megan.

16 BY MS. PORTER:

17 Q. Okay. Does reviewing this document refresh your
 18 correction of it?

19 A. I mean, I can see what it is. I don't recall
 20 it, though.

21 Q. Okay. Do you see your name, Jeffery Spencer, in
 22 the cc line --

23 A. I do.

24 Q. -- that I just highlighted?

25 Okay. This document says, "There will be a

Page 48

1 critical incident debrief held in the sheriff's office
 2 training room in the basement of the Justice Center from
 3 0900 to" -- "from 9:00 a.m. to 10:00 a.m. on
 4 December 27th, 2019.

5 "The debrief is for the incident that occurred
 6 in the jail the morning of December 23rd, 2019. This is
 7 not a mandatory meeting, but anyone involved in the
 8 incident and anyone that feels they need to attend are
 9 encouraged to do so."

10 Did you attend this meeting?

11 A. No.

12 Q. You did not attend this meeting?

13 A. I did not.

14 Q. Why?

15 A. It's not something I would normally attend. A
 16 critical incident debriefing, especially if I wasn't
 17 there, having people under my supervisor, it's just not
 18 the type of meeting that I would attend.

19 Q. Were you already involved? Had your
 20 investigation -- had you already spoken to the sheriff and
 21 started your investigation at this point?

22 A. Again, I don't recall the -- I know we talked
 23 about the time frame I started the investigation. I --
 24 right now looking at this, I believe I had, but I can't
 25 say that for sure.

Page 49

1 Q. So previously we've spoken about how you spoke
 2 to the sheriff on the 26th, and you agreed with the
 3 sheriff that you would complete an investigation into this
 4 incident and that this meeting was held the following day,
 5 on the 27th, which would be one day after you started your
 6 investigation. Are you following?

7 A. Yes.

8 Q. Okay. Wouldn't this meeting, potentially,
 9 contain relevant information to your investigation, if
 10 they're debriefing the incident that is the subject of
 11 your investigation?

12 A. If there was, specifically, those types of
 13 meetings, it would not be appropriate for me to attend to
 14 further an investigation. I'll leave it at that.

15 Q. Why would it not be appropriate?

16 A. Those -- a critical incident debrief is
 17 specifically for the mental health and well-being of those
 18 who were involved so they can openly talk about what
 19 happened. They're not held for any investigative
 20 purposes.

21 Q. Okay. Okay. I'll stop sharing my screen for a
 22 moment, and I'm going to go back to Exhibit 49. Okay.
 23 Are you seeing Exhibit 49 up on your screen again --

24 A. Yes.

25 Q. -- the report? Okay. Great.

Page 50

1 I'm going to jump back for a second to talk,
 2 again, about the purpose of your investigation. So to
 3 recap what we have discussed so far, the purpose of your
 4 investigation was not to determine the -- you were not
 5 making an independent determination of what Christine
 6 Boyer's cause of death was; is that correct?

7 A. Correct.

8 Q. Okay. And this is not, say, a mortality review;
 9 is that correct?

10 MR. JONES: Objection to form.

11 You can answer.

12 THE WITNESS: I'm not sure exactly what you mean
 13 by a "mortality review."

14 BY MS. PORTER:

15 Q. I'm sorry. I didn't hear your answer.

16 A. I don't know what you mean by "mortality
 17 review." I'm not familiar.

18 Q. Oh. Oh, okay. You were not determining,
 19 like -- strike that.

20 The purpose of your investigation was not to
 21 determine if she received an appropriate standard of
 22 medical care while at the jail; is that correct?

23 MS. JONES: Objection to form and asked and
 24 answered.

25 Go ahead and answer again.

Page 51

1 THE WITNESS: That is correct.

2 BY MS. PORTER:

3 Q. Okay. Great. All right. One moment.

4 So I want to move down to this portion of the
 5 report I'm highlighting here. Do you see the portion I
 6 just highlighted?

7 A. Yes.

8 Q. Okay. So it says, "On December 28, 2019, I
 9 contacted Gundersen Hospital and requested that any blood
 10 that was drawn be held. I was advised they had blood from
 11 December 25th, 2019, and December 26th, 2019, but all
 12 other samples from before that had been destroyed."

13 Why did you request that blood be drawn -- that
 14 any blood that was drawn be held?

15 A. I -- I'm aware that -- that they don't hold
 16 blood all that long, in general, and I didn't want to lose
 17 any potential evidence that may be in the blood.

18 Q. Okay. What would the -- what would have been
 19 the value of a blood sample to your investigation?

20 A. I believe it would -- could have helped
 21 determine a cause of death and what have certainly helped
 22 a pathologist do that to know exactly what was in the
 23 blood at the time of death.

24 Q. And so in consulting with the ME -- pardon me.
 25 So consulting with the ME, which I believe stands for

Page 52

1 "medical examiner," and pathologist, it was determined
 2 this blood would not have any value due to medical
 3 intervention that had been in place for at least two days
 4 prior to those samples being drawn. Do you -- do you know
 5 what was done with the blood samples that they did have?

6 A. No.

7 Q. Okay. All right. I'm going to stop sharing for
 8 a moment, and I'm going to share a prior Exhibit I believe
 9 was Exhibit 47, our previous deposition.

10 Okay. Are you seeing the exhibit up on the
 11 screen?

12 A. Yes.

13 Q. Okay. And are you able to read it? Do you need
 14 me to zoom in or anything?

15 A. I can read it.

16 Q. Okay. Do you recognize this document?

17 A. Yes.

18 Q. Okay. What is it?

19 A. A copy of my notes.

20 Q. Okay. And so this -- is this your handwriting?

21 A. Yes.

22 Q. Okay. And you mentioned that is your notes.

23 I'm scrolling through briefly. So it looks like we have
 24 three pages of notes. Is that all the notes that you took
 25 during the course of your investigation?

Page 53

1 A. Yes. I believe so.

2 Q. Okay. Beginning at the top, it says -- you
 3 know, you can see the portion that says, "10:03 Greg Boyer
 4 phone call." Do you recall this conversation with Greg
 5 Boyer?

6 A. Again, not independently. I remember being in
 7 the room when we made that phone call.

8 Q. Okay. Okay. I apologize for interrupting. You
 9 remember being in the room for this phone call based off
 10 of your review of this document?

11 A. Because of my independent recollection, I
 12 remember being in the -- in the room when we talked, when
 13 we made that phone call. This document gives, obviously,
 14 more information from that phone call and what was talked.

15 Q. Okay. Okay. I'm now moving to the second page.
 16 Do you see the portion that I just highlighted?

17 A. Yes.

18 Q. Okay. It says, "Need for civil case," with a
 19 question mark. Why did you write that?

20 A. Again, looking at the blood at that time, if --
 21 it was a note to find out if the blood needed to be held
 22 for a civil case beyond the criminal case.

23 Q. Okay. Did you anticipate litigation related to
 24 this event?

25 A. I don't know that I anticipated it as much, I

Page 54

1 mean, from conversations. I guess I'm not sure exactly
2 how to answer that.

3 Q. Well, the text from your note says, "Need for
4 civil case," question mark. Why would you have written
5 this note to yourself?

6 A. I knew that a civil case from a jail death
7 wouldn't be a surprise.

8 Q. Okay. So based off of your answer, you had
9 written this to yourself because it would not be
10 surprising that there to be litigation following this
11 incident of Christine Boyer's death; is that correct?

12 MR. JONES: Objection to form.

13 Go ahead.

14 THE WITNESS: Correct.

15 BY MS. PORTER:

16 Q. Okay. Let's see. I'm going to stop sharing
17 this for a moment and go back to -- I believe this is
18 previously marked as Exhibit 48.

19 Okay. Do you -- I'm sharing the wrong screen I
20 apologize.

21 Okay. Do you see the document that I am sharing
22 on the screen?

23 A. Yes.

24 Q. Okay. Do you recognize this?

25 A. Yes.

Page 55

1 Q. Okay. And what is it?

2 A. It's a group text message that was sent
3 regarding Ms. Boyer's death.

4 Q. Okay. And you said that was sent regarding
5 Ms. Boyer's death. What was your -- did you have any
6 involvement in this text, this group message?

7 A. I'm the one who sent the initial text message
8 advising that she had passed away.

9 Q. Okay. Got it. So you -- so you're the blue
10 circle on this, like the blue messages?

11 A. Correct.

12 Q. Got it. Okay. And so just reading this very
13 quickly into the record, you say, "FYI, I just got word
14 that Boyer passed away about ten minutes ago. I think we
15 have everything squared away, as we have been expecting
16 it."

17 What did you mean by that?

18 A. Just that we knew her prognosis wasn't good.

19 Q. Okay. When you say you knew her prognosis
20 wasn't good, what were you expecting to happen at this
21 point?

22 A. Before the text message was sent, we knew she
23 was going to be taken off of life support. So usually
24 when that happens, somebody dies shortly after that.

25 Q. Okay. How long had you been anticipating her

Page 56

1 passing away?

2 A. I can't recall exactly how long I was aware of
3 that.

4 Q. Okay. You say that everything -- "We have
5 everything squared away." What was squared away?

6 A. Just that we had taken steps to preserve the
7 scene. That's what I believe I meant by that, I mean,
8 just that we were somewhat prepared, that we had discussed
9 that she may be dying.

10 Q. Okay. So you had preserved what, exactly?

11 A. That cell she had been in, we talked about
12 earlier.

13 Q. Okay. Did you take steps to preserve anything
14 else?

15 A. I'm sorry. What was the question?

16 Q. Did you take steps to preserve any other
17 evidence?

18 A. At that point, I don't believe so.

19 Q. Okay. Why didn't you take steps to preserve
20 that evidence?

21 MR. JOHNSON: Objection to form. What evidence?
22 You can answer.

23 THE WITNESS: Yeah. I mean, looking at the --
24 the date stamp, I guess the -- I had, prior that text
25 message, seen about preserving that blood as well.

Page 57

1 But beyond that, I don't know what, specifically --
2 what specific evidence you're referring to.

3 BY MS. PORTER:

4 Q. Well, if -- you know, we previously looked at
5 your notes from December 26th, the day prior to her
6 passing, where you had said that there's at least a
7 possibility of civil litigation. I would imagine that
8 there's other evidence that can be preserved for civil
9 litigation, such as, say, video footage in the jail.

10 Did you take steps to preserve any video footage
11 that may have been captured during her stay at the jail?

12 A. Not that I independently recall.

13 Q. But do you recall yourself -- you don't recall
14 taking any steps to preserve evidence, such as video
15 evidence?

16 A. Correct. I don't recall.

17 Q. Okay. Do you recall anyone at Monroe County
18 taking steps to preserve video evidence by this date,
19 December 27th?

20 A. I don't recall.

21 Q. Okay. It also says on here --

22 MS. PORTER: Well, actually, I'm going stop
23 sharing for a second. I think it's been an hour.
24 Why don't we take a break for another five minutes.

25 THE VIDEOGRAPHER: The time --

<p style="text-align: right;">Page 58</p> <p>1 MS. PORTER: And we can come back at, I guess, 2 2:20.</p> <p>3 THE VIDEOGRAPHER: Okay. The time is 2:14 p.m. 4 We're going off the record.</p> <p>5 (Pause in the proceedings.)</p> <p>6 THE VIDEOGRAPHER: We're back on the record for 7 the deposition of Jeffrey Spencer being conducted by 8 videoconference. My name is Sheila Jones. Today is 9 October 12th, 2023. The time is 2:22 p.m. You may 10 continue.</p> <p>11 BY MS. PORTER:</p> <p>12 Q. Okay. Captain Spencer, I want to jump back for 13 a second real quick to the purpose of your investigation. 14 You had said previously that this was a criminal 15 investigation. You were not evaluating whether Christine 16 Boyer received the appropriate standard of care; is that 17 correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. And did the other members of the Monroe 20 County Sheriff's Department know that you were conducting 21 a criminal investigation, not evaluating whether she 22 received the appropriate standard of care?</p> <p>23 MR. JONES: Objection to form.</p> <p>24 Go ahead.</p> <p>25 THE WITNESS: Those that were aware of</p>	<p style="text-align: right;">Page 60</p> <p>1 that they had checked potassium levels.</p> <p>2 Q. That who had checked potassium levels?</p> <p>3 A. Something from the medical record -- I 4 couldn't -- the hospital.</p> <p>5 Q. Okay. So you were checking the medical record?</p> <p>6 Sorry. Scratch that.</p> <p>7 So you were recording potassium levels that had 8 been checked at the hospital that Christine Boyer had been 9 sent to; is that correct?</p> <p>10 A. Yes. Yeah.</p> <p>11 Q. Okay. And so how would checking potassium 12 levels be relevant to your criminal investigation?</p> <p>13 A. Again, in just reviewing them, trying to 14 understand, because there was some note, I believe, in 15 there that talked about them being weird, being off, so me 16 jotting down numbers, trying to -- to see if there was 17 anything that appeared to pop out as it related to it.</p> <p>18 Q. Okay. Did you -- did you research the effects 19 of potassium levels on someone in Christine Boyer's 20 condition?</p> <p>21 A. I can't say for sure.</p> <p>22 (Exhibit 53 [Email Chain] was marked for 23 identification.)</p> <p>24 BY MS. PORTER:</p> <p>25 Q. Okay. I'm going to stop sharing for a moment,</p>
<p style="text-align: right;">Page 59</p> <p>1 investigation, I believe, knew that. But I guess I 2 can't say what they believed or not.</p> <p>3 BY MS. PORTER:</p> <p>4 Q. Generally, if you're doing a criminal 5 investigation, do the other members of sheriff's 6 department know what that means, what the purpose of it 7 is, what it does and does not include?</p> <p>8 MS. JONES: Objection to form.</p> <p>9 Go ahead objection.</p> <p>10 THE WITNESS: You would have to ask them that. 11 I believe they would. That's what my understanding 12 would be if somebody else was conducting a criminal 13 investigation.</p> <p>14 BY MS. PORTER:</p> <p>15 Q. Okay. So I want to go back to -- let's see -- 16 Exhibit 47. I'm going to share my screen. And so I'm 17 looking at the second page of your investigation notes, 18 and you see this portion where you're -- it appears to be 19 recording different potassium levels. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Why were you making this note?</p> <p>22 A. As I recall, I was -- there was something in the 23 medical record that talked about potassium levels and how 24 it may contribute to something. Exactly what, I don't 25 recall. So I was writing down, it appears, date and times</p>	<p style="text-align: right;">Page 61</p> <p>1 and now I'm going to share -- I believe this is a new 2 exhibit, so this would be Exhibit 53, if I remember 3 correctly. One moment to share.</p> <p>4 Okay. Do you see the document on the screen in 5 front of you?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And this document, for reference, is 8 Bates-stamped as ACH 19157. Do you recognize this 9 document?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. What is it?</p> <p>12 A. It looks like it's an email that I sent to Amber 13 on December 31st.</p> <p>14 Q. Okay. And so it is an email chain conversation 15 between you and Defendant Fennigkoh in this case. 16 Ms. Fennigkoh emailed you, says, "I pulled out the pill." 17 And, also, the subject of the email is "Unidentified 18 Pill." Ms. Fennigkoh goes, "I pulled out the pill. The 19 officers cannot identify. After using a magnifying glass 20 and some searching, I believe it reads 'TEVA' on one on 21 side and '352' on the back top. According to the 22 identification site, it is diazepam 2 milligrams." 23 You respond, "That is really interesting related 24 to some of the medical records and the fact that she 25 tested positive for Benzo. It appears that it may not be</p>

Page 62

1 good to mix that with opioids or alcohol."

2 Why did you look into the effects of diazepam?

3 A. Because she had that pill that identified as

4 diazepam in her possession.

5 Q. Okay. And how would that be relevant to your

6 criminal investigation?

7 A. Helps us understand further, perhaps, how she

8 died or what was in her system at that time.

9 Q. Okay. Great. Now, I'll -- one second.

10 Okay. Were you looking at -- is it accurate to

11 say that you were trying to understand, by looking at

12 diazepam and its effects, whether a crime had been

13 committed?

14 A. To understand how she died, to help understand

15 if a crime was committed.

16 Q. Okay. Great. I'll stop sharing. And now I

17 think I would like to -- okay. I'm going to go back to

18 your incident report. So that's Exhibit 49. Great.

19 Do you see the incident report back up on the

20 screen?

21 A. Yes.

22 Q. Okay. And so I am looking at -- and if you need

23 me to make the screen larger, just let me know, or move it

24 or anything. So I'm looking at this highlighted portion

25 that I have at the bottom of the screen. Do you see that?

Page 63

1 A. Yes.

2 Q. Okay. So it says, "I reviewed medical

3 information for Christine and was able to confirm what

4 Greg had advised and found that Christine had significant

5 and long-term health issues, including high blood

6 pressure, cardiomyopathy, total abdomen and pelvis

7 reconstruction, and cancer removal with radiation.

8 "I also found that her lab results from blood

9 drawn at December 23rd, 2019, at 8:00 a.m., showed she

10 tested positive for benzodiazepines. In further research

11 I found that she was not prescribed benzodiazepines and

12 that diazepines should not be taken with opioid medicine

13 or alcohol."

14 So why did you include this sentence in your

15 report?

16 A. I think it pointed to, again, some of her

17 medical history and, potentially, some of things that may

18 have led to her death.

19 Q. Okay. So you did further research to look into

20 the potential effects that diazepine could have on someone

21 in her condition; is that correct?

22 MR. JONES: Objection. Asked and answered.

23 Go ahead.

24 THE WITNESS: Yes.

25

Page 64

1 BY MS. PORTER:

2 Q. Okay. Stop sharing for a second, and I'm going

3 the put on the screen. I believe this was previously

4 Exhibit 19. Okay. Do you see the document up on the

5 screen?

6 A. Yes.

7 Q. Okay. And so do you recognize this document?

8 A. No. Not particularly.

9 Q. Okay. So have you seen it before?

10 A. Not that I recall.

11 Q. Okay. So this is Bates-stamped Monroe County

12 001098 through 1099, and what I have up on the screen is a

13 chest pain protocol. Are you familiar with chest pain

14 protocols in Monroe County?

15 A. No.

16 Q. Okay. So I guess for your reference, the chest

17 pain protocols are documents that help assist guards in

18 Monroe County to understand -- be able to document when a

19 prisoner is experiencing chest pain. And so do you see

20 this portion that I'm highlighting right here that says,

21 "Currently on any heart medications, lisinopril,

22 amlodipine and Coreg."

23 Do you see that portion?

24 A. Yes.

25 MR. JONES: Objection to form.

Page 65

1 THE WITNESS: Yes.

2 BY MS. PORTER:

3 Q. Okay.

4 A. Yes. I see that.

5 Q. Okay. So in your investigation into

6 Christine -- circumstances surrounding Christine Boyer's

7 death, did you look at any medical records that was

8 discussed, what medications she currently took?

9 A. I remember looking at medical records. I don't

10 recall if that was in there or not.

11 Q. Okay. So do you recall looking into whether she

12 was receiving any of the medications which she was

13 prescribed during her time at Monroe County Jail?

14 A. Can you ask that question again?

15 Q. Yeah. Do you recall looking at any documents or

16 trying to determine if she was receiving the medication

17 she was prescribed in the Monroe County Jail?

18 A. I know that there was discussion that there

19 medications that she was on and that they were attempting

20 to get them or that she had attempted to get them. But

21 where that information -- exactly, how that works, I --

22 that's about all I can speak to on.

23 Q. Okay. I'm going to jump back to Exhibit 49

24 quickly, and do you see the portion that I'm highlighting

25 here?

Page 66

1 A. Yes.
 2 Q. It says, "In further review of the medical
 3 information, I saw that Christine was supposed to be on a
 4 number of medications. The jail allowed her to make phone
 5 calls in an attempt to have someone bring those
 6 medications. I reviewed Christine's jail phone record" --
 7 "calls and did find that she called Greg in the evening of
 8 December 22nd, 2019, and they discussed him trying to
 9 locate and bring the medications in."

10 Skipping ahead a little bit, "However, I was
 11 advised by Captain Hendrickson that Greg did bring
 12 property to the jail. However, it was not until Christine
 13 had suffered her medical emergency."

14 So according to your report, you were aware that
 15 Christine was supposed to be on a number of medications,
 16 but she was not receiving those medications; is that
 17 correct?

18 MS. JONES: Objection to form.

19 Go ahead.

20 THE WITNESS: Yes. That appears to be correct.

21 BY MS. PORTER:

22 Q. Okay. Did you -- you had looked into the
 23 potential effects of diazepam on Christine, someone in her
 24 condition, as we established earlier, correct?

25 A. Yes.

Page 68

1 look into what medical care she was receiving in the time
 2 preceding her death?
 3 A. Not that I recall.
 4 Q. Why not?
 5 A. I -- I don't recall doing it. I couldn't tell
 6 you why, I guess, I didn't, if I didn't, because, again, I
 7 don't recall one way or the other if I did or didn't.
 8 Q. Okay. If the effects of diazepam on someone who
 9 ingested alcohol would be relevant to your investigation,
 10 would the effects of not taking prescribed blood pressure
 11 medications on an individual be relevant to your
 12 investigation?

13 A. Can you re-ask that question?

14 Q. Yeah. If -- if you -- from my understanding,
 15 when reading your email to Ms. Fennigkoh, when she was
 16 identifying the pill diazepam, you deemed it relevant for
 17 your investigation to look into what the effects would be.
 18 Well, actually, scratch that.

19 MS. PORTER: Ms. Manni, would you be able to
 20 actually read back the question that I just asked to
 21 Mr. Spencer, starting with "if it's relevant," like
 22 diazepam -- if diazepam is relevant.

23 (The question on 68 page, line 8, was read by
 24 the court reporter.)

25 THE WITNESS: I think the effects of not taking

Page 67

1 Q. Did you look into the effects of -- did you --
 2 scratch that.

3 Did you look into what the potential effects
 4 would be on someone in Christine's condition to not have
 5 the medications she was prescribed for blood pressure?

6 A. Not that I recall.

7 Q. Okay. Why did you not look into that?

8 A. Again, I think from the -- the paragraph that
 9 you have highlighted there, it indicates she was supposed
 10 to have something. She didn't have them with. She was
 11 given something else. And the -- there were arrangements
 12 to attempt to get her actual medications.

13 I -- I don't know if that answers the question.

14 Q. No, it does not.

15 So for diazepam, as we discussed earlier, from
 16 your email, you looked into the potential effects, and you
 17 found that it's something someone should not take if
 18 they're also ingesting alcohol. Did you look into how it
 19 would affect someone like Christine if she did not have
 20 her blood pressure medication and was not receiving it?

21 MR. JONES: Asked and answered. Objection.

22 THE WITNESS: Not that I recall.

23 BY MS. PORTER:

24 Q. Okay. Did you, in your investigation, do any
 25 research into this period of -- before December 23rd to

Page 69

1 it, the fact that she didn't take it, was put in
 2 there. Exactly what those effects were, I suppose,
 3 would have some relevance.

4 BY MS. PORTER:

5 Q. Okay. And why would they have some relevance?

6 A. I mean, I guess it depends on --

7 MR. KNOTT: Sorry, sir. I objected to form and
 8 foundation. Go ahead.

9 THE WITNESS: It --

10 MR. JONES: Do you have a question in front of
 11 you?

12 BY MS. PORTER:

13 Q. So you investigated the effects of diazepam on
 14 someone in Ms. Boyer's condition. You did not investigate
 15 the effects of not taking any prescribed blood pressure
 16 medication in someone in Ms. Boyer's position. Why did
 17 you investigate the potential effects of her not taking
 18 her prescribed medication at the jail?

19 MR. JONES: Asked and answered.

20 You can answer again.

21 THE WITNESS: For her not taking her medication
 22 wouldn't be relevant to whether or not this was
 23 criminal.

24 BY MS. PORTER:

25 Q. Her not taking her prescribed medication would

1 not be relevant to your investigation into whether or not
 2 this was criminal, but diazepam would be relevant to
 3 whether or not this is criminal. Why?

4 A. It was information I received.

5 MR. KNOTT: I need to object to the form of the
 6 question on that grounds that it assumes facts not in
 7 evidence, but go ahead.

8 THE WITNESS: The diazepam, as we kind found
 9 out, there was information that I received, felt like
 10 it was relevant. So that's why that ended up in the
 11 report. Specifically whether or not it would make it
 12 criminal, probably not, but I felt like it was
 13 information important to be in report since I
 14 received it.

15 BY MS. PORTER:

16 Q. Okay. And you deemed it important enough to put
 17 into your report that Christine was supposed to be on a
 18 number of medications, but she was not receiving those
 19 medications. Why would you not follow up about the
 20 affects of those medications if you followed up about
 21 diazepam?

22 MR. CASSERLY: Asked and answered.

23 MR. JONES: Asked and answered I think for the
 24 third time, but go ahead.

25 THE WITNESS: The final part of your question

Page 70

1 don't have any medical degrees --

2 Q. Okay.

3 A. -- medical degrees.

4 Q. Okay. So you can't make any determinations
 5 about whether one drug is more impactful on one's
 6 condition than other drugs?

7 A. That would be correct.

8 Q. Okay. And so are you qualified to decide which
 9 drugs are relevant to Ms. Boyer's cause of death?

10 MR. JONES: Asked and answered and
 11 argumentative.

12 You can go ahead and answer.

13 THE WITNESS: No. I -- again, that would be up
 14 to the pathologist to determine the drugs --

15 MS. PORTER: Okay.

16 THE WITNESS: -- of her death.

17 BY MS. PORTER:

18 Q. Okay. Did you review any medical records
 19 related to Ms. Boyer's condition before she -- well,
 20 actually, I want to back up for a second and go back to
 21 diazepam for a moment. Ms. Boyer taking prescription
 22 drugs, it makes her look bad, doesn't it?

23 A. (Inaudible.)

24 Q. I'm sorry. Can you speak up a bit? I can't get
 25 your answer.

Page 71

1 was, why did I not?

2 BY MS. PORTER:

3 Q. Yes. Why did you look into the effects of one
 4 drug and not the effects of lack of drugs on another?

5 A. Again, I would have to look at exactly what all
 6 those drugs were. I didn't believe it was relevant enough
 7 to take the time to look into what all those drugs were
 8 and what the effects would be enough to put into my
 9 report.

10 Q. Going on, were you qualified to decide which
 11 drugs were relevant in your investigation?

12 MR. JONES: Objection to form.

13 You can answer.

14 THE WITNESS: I think I'm qualified to put the
 15 information I -- I got related to the drugs. I'm,
 16 certainly, no pharmacist or anything like that.

17 BY MS. PORTER:

18 Q. That's not my question, sir. Are you qualified
 19 to determine which drugs are relevant to someone --
 20 scratch that.

21 A. Are you -- do you have any medical training?

22 A. No.

23 Q. Okay. Do you have any -- you don't have any,
 24 like, medical degrees or certifications?

25 A. Correct. Yeah. In like basic first aid. I

Page 73

1 A. I think that would look different to different
 2 people, that fact --

3 Q. Okay.

4 A. -- whether or not somebody taking drugs that
 5 weren't prescribed to them.

6 Q. Okay. But you deemed it relevant to look into
 7 the fact that he was taking a drug that didn't mix well
 8 with alcohol and to point out she had alcohol in her
 9 system when she came into the jail? From what I'm
 10 reading, based off of what I'm reading, I read that --
 11 well, scratch that.

12 Were you trying to find a reason to blame
 13 Mrs. Boyer for her death?

14 A. No.

15 Q. Is that why you looked into diazepam?

16 A. No.

17 Q. In reading this portion that I still have
 18 highlighted, you say that the jail allowed her to make
 19 phone calls in attempt to have someone bring those
 20 medications. And you later state that Mr. Boyer was not
 21 able to bring her medications until after she suffered her
 22 medical emergency. Did you look into whether anybody at
 23 the jail had tried to give her other medications in lieu
 24 of the ones prescribed?

25 A. I don't recall.

Page 74

1 Q. Okay. You don't recall seeing or reading any
 2 documents related to whether other folks at the jail had
 3 tried to give her other medications in lieu of the ones
 4 that she was prescribed?

5 A. Other than the -- that's noted there, that
 6 somebody had given her something to lower her blood
 7 pressure as it related to that chest pain. But I don't
 8 know if that was in lieu of her other medications or not.

9 Q. Okay. What medical records of hers did you
 10 actually review?

11 A. I know there's some medical records, stated
 12 earlier, from Gundersen that I reviewed from after this
 13 incident, the UW pathology report.

14 Q. Okay. I want to go back up a little bit to --
 15 so back up to the beginning of your report, you say, "On
 16 December 23rd, 2019, I was advised by Lieutenant Hallman
 17 of a female subject, identified as Christine Boyer, who
 18 had been hospitalized out of the jail during the early
 19 morning hours. I was advised that Christine possibly had
 20 a heart attack and may not survive."

21 During the course of your investigation, did you
 22 do any research into what symptoms a heart attack are?

23 A. Not that I recall.

24 Q. Okay. Did you review any medical record that
 25 listed any symptoms related to a heart attack?

Page 75

1 A. Not that I recall.

2 Q. Okay. If you were advised that Christine
 3 possibly had a heart attack, why didn't you look into what
 4 the symptoms of a heart attack would be?

5 A. I -- I can't tell you why I did or didn't. I
 6 mean, I'm aware of some symptoms of a heart attack. I
 7 can't tell you why I didn't look into them.

8 Q. Okay. Would it be -- for someone conducting an
 9 investigation like yours, if you know that Christine
 10 possibly died of a heart attack, would be relevant to your
 11 investigation to know what are the symptoms of a heart
 12 attack so when you're reviewing medical records, you're
 13 able to identify potential symptoms?

14 A. No. I, ultimately, rely on what the pathologist
 15 came up with at the end.

16 Q. If you knew that Ms. Bower possibly had a heart
 17 attack, would -- well, actually, strike that.

18 Did you ever do any online research about
 19 whether someone in Ms. Boyer's condition, prior to exiting
 20 the Monroe County Jail, should receive emergency care?

21 MR. JONES: Objection to the form of the
 22 question.

23 You can answer.

24 THE WITNESS: I'm going to need the -- what the
 25 question on that was.

Page 76

1 BY MS. PORTER:

2 Q. Okay. Did you do any research in the course of
 3 your investigation about whether some one in Ms. Boyer's
 4 condition, before she was taken to Gundersen, should
 5 receive emergency care?

6 MR. JONES: Same objection.

7 THE WITNESS: No. I don't believe I did.

8 MS. PORTER: Okay. Why don't we -- let me take
 9 one last break, and I can see if I have any more
 10 questions. Maybe we can come back, let's say, in
 11 five minutes.

12 MR. JONES: Okay.

13 MS. PORTER: Okay.

14 THE VIDEOGRAPHER: Okay. The time is 2:51 p.m.
 15 We're going off the record.

16 (Pause in the proceedings.)

17 THE VIDEOGRAPHER: We're back on the record for
 18 the deposition of Jeff Spencer being conducted by
 19 videoconference. My name is Sheila Jones. Today is
 20 October 12th, 2023. The time is 2:58 p.m. You may
 21 proceed.

22 BY MS. PORTER:

23 Q. And, Captain Spencer, I have just a couple other
 24 questions for you before turning it over to your counsel.

25 Did you ever try to figure out whether Christine

Page 77

1 Boyer -- or scratch that.

2 During the course of your investigation, did you
 3 ever try to determine whether Christine Boyer should have
 4 been sent to the emergency room earlier than she was?

5 A. No. I don't believe so.

6 Q. Okay. Are you familiar with the crime reckless
 7 endangerment?

8 A. Yes.

9 Q. Okay. Can not providing medical care to someone
 10 who needs it be considered reckless?

11 MR. KNOTT: Object to the form of the question.

12 It's vague. Object to the extent that it calls for a
 13 legal conclusion without specification.

14 THE WITNESS: Yeah. I don't know I can answer
 15 that.

16 BY MS. PORTER:

17 Q. Well, I'm not asking you to make a legal
 18 conclusion, but can it be considered reckless to not
 19 provide medical care?

20 MR. KNOTT: Object to the form. It's vague as
 21 to circumstance in this hypothetical and calls for
 22 speculation.

23 BY MS. PORTER:

24 Q. I'm not calling for speculation, Captain
 25 Spencer. To be specific, you mentioned earlier in our

Page 78

1 deposition that in the course of your training as a law
 2 enforcement officer, you received training on laws, and,
 3 also, in your degree in criminal justice, you received
 4 training on legal provisions. Am I correctly remembering
 5 that?

6 A. Yes.

7 Q. Okay. And so a part of your job as a law
 8 enforcement officer is to enforce the law correctly,
 9 correct? Am I right in that?

10 A. Yes.

11 Q. Okay. And when you are enforcing the law, you
 12 are making a determination about whether, in your
 13 professional opinion, someone committed a crime; is that
 14 correct?

15 A. Yes.

16 Q. Okay. And so you can make a determination here
 17 about whether someone not providing medical care could be
 18 considered reckless, as is defined by a criminal law in
 19 Wisconsin, correct?

20 MR. JONES: Objection to the form.

21 BY MS. PORTER:

22 Q. Okay. So I'm looking at --

23 THE COURT REPORTER: I didn't hear an answer. I
 24 didn't hear an answer.

25 MS. PORTER: Okay. I apologize, Ms. Manni.

Page 80

1 provision of medical care in this case violated any
 2 Wisconsin criminal statute?

3 A. Yes. From the facts that I was presented, I
 4 didn't feel like it met the burden of any of the statutes.
 5 Q. What statute did you look at?
 6 A. I can't tell you specifically if I went through
 7 which ones. Certainly, the homicide statutes, I didn't
 8 believe it met those.

9 Q. Okay. So did you try to figure out whether
 10 anybody in this case could have been guilty of reckless
 11 endangerment?

12 A. From the conclusions that I drew from the case
 13 and what I know of that statute, again, off the top of my
 14 head, I don't believe that it reached that level.

15 Q. Okay. One moment. Make sure I got everything.

16 Okay. In this investigation, did you consult
 17 with any medical expert to get their expertise to help you
 18 determine whether any of the medical practices in this
 19 case committed reckless endangerment?

20 A. No.

21 Q. Okay.

22 A. I didn't believe it was relevant to do so.

23 Q. You stated earlier that you do not have any
 24 medical training. Am I remembering that correctly?

25 A. Yes.

Page 79

1 THE WITNESS: Yeah. I -- in that circumstances
 2 you described in the question, I would refer to the
 3 state statutes and look through it for specifics to
 4 give me guidance. I don't have that off the top of
 5 my head.

6 BY MS. PORTER:

7 Q. Okay. If recklessness is defined as endangering
 8 another's safety under circumstances which show utter
 9 disregard for human life, could not sending someone to the
 10 emergency room and not providing them medical care when
 11 needed be considered reckless?

12 MR. JONES: Objection to form and to the extent
 13 it calls for a legal conclusion.

14 MR. KNOTT: Object to form. It's a vague
 15 hypothetical. And object to the form. It calls for
 16 a legal conclusion.

17 THE WITNESS: Yeah. To that, my answer being
 18 the same, I would look at the specific facts of a
 19 case, refer back to the legal definitions and legal
 20 things within the statute to determine whether or not
 21 I felt like it met that burden.

22 BY MS. PORTER:

23 Q. Okay. And in this investigation, did you look
 24 at any Wisconsin state statutes, criminal statutes, to
 25 determine whether the specifics of this case and the

Page 81

1 Q. Are you qualified to determine whether a medical
 2 practitioner acted recklessly in the course of their
 3 employment?

4 MS. JONES: Objection to the form of the
 5 question, but you can answer.

6 THE WITNESS: I think I'm qualified to determine
 7 a level of criminal reckless, yes.

8 BY MS. PORTER:

9 Q. Okay. How are you qualified to make that
 10 determination if you're not a -- if you don't have any
 11 medical experience?

12 A. Recklessness, as I remember it -- I may be
 13 speculating, so I probably shouldn't do that.

14 MR. JONES: I think Ms. Porter would tell you
 15 that she's not asking you to speculate, but if you
 16 can answer the question, you should.

17 THE WITNESS: Can you re-ask the question?

18 MS. PORTER: Yeah. Ms. Manni, would you be able
 19 to read back the question?

20 THE COURT REPORTER: Sure.

21 (The last question was read by the court
 22 reporter.)

23 THE WITNESS: Because I can -- I believe I can
 24 apply the statute to specific circumstances to
 25 feel -- to know if there's enough probable cause to

Page 82

1 send that charge forward.

2 BY MS. PORTER:

3 Q. But did you do any research into what the
4 standard of care would be for a medical practitioner?
5 A. No.

6 Q. Okay. Why did you not do any research into the
7 standard of care for a medical practitioner, but you were
8 doing research into the effects of drugs like diazepam?

9 A. That level of standard of care, I don't --
10 didn't think it mattered in the criminal investigation.

11 MS. PORTER: I think that's all my questions.

12 MR. JONES: Doug, any questions?

13 EXAMINATION

14 BY MR. KNOTT:

15 Q. Captain Spencer, is it your conclusion that
16 these facts did not constitute reckless endangerment a
17 conclusion you reached based upon your training and
18 experience in law enforcement and investigation?

19 A. Yes.

20 Q. Is that an opinion you hold to a reasonable
21 certainty with criminal state codes?

22 A. Yes.

23 MR. KNOTT: Thank you.

24 MR. JONES: John, any questions.

25 MR. CASSERLY: I have no questions. Thank you.

Page 83

1 MR. JONES: I do not have any questions.

2 MS. PORTER: I have one last question. I
3 apologize. Would you be able to read back
4 Mr. Knott's last line of questioning I think starting
5 with the conclusion he reached about reckless
6 endangerment?

7 THE COURT REPORTER: I will need a moment to
8 find it.

9 MR. JONES: We're reading back a line of
10 questioning?

11 MS. PORTER: That's all right, Ms. Manni. I can
12 go back to it.

13 EXAMINATION

14 BY MS. PORTER:

15 Q. I believe my understanding from Ms. Knott's
16 questioning was, in your professional opinion, you, like,
17 did not reach a conclusion that reckless endangerment had
18 occurred in this case with respect to the provision of
19 medical care. Am I understanding that correctly?

20 MR. KNOTT: Object to the form of the question.

21 MR. JONES: Yeah. I don't think that captures
22 Doug's question.

23 BY MS. PORTER:

24 Q. Okay. I guess, for my last question would be,
25 then, did you ever investigation whether any medical

Page 84

1 practitioner committed reckless endangerment in your
2 investigation in this case?

3 A. State that question one more time.

4 Q. Okay. To rephrase it, did you -- in the course
5 of your investigation, your criminal investigation to
6 determine whether any criminal acts occurred in this case,
7 did you determine whether reckless endangerment occurred?

8 MR. KNOTT: Asked and answered.

9 THE WITNESS: Correct. Which I believe I
10 considered it.

11 BY MS. PORTER:

12 Q. Did you consider it?

13 MR. KNOTT: Asked and answered.

14 BY MS. PORTER:

15 Q. Did you look at the statute and look at the
16 facts of this case and make any sort of conclusion about
17 whether reckless endangerment occurred with the provision
18 of medical care?

19 MR. KNOTT: Objection to form.

20 MS. PORTER: Captain Spencer, I think you're on
21 mute.

22 MR. JONES: Oh, we've been. Sorry.

23 THE WITNESS: Sorry about that.

24 MS. PORTER: That's all right.

25 MS. JONES: Go ahead with your answer.

Page 85

1 THE WITNESS: I considered the statutes that I
2 could think of that would be relevant to this case.
3 To say, specifically, I thought about that reckless
4 one and dove into it, from I know of that statute, I
5 didn't feel like it met that burden.

6 BY MS. PORTER:

7 Q. Why didn't you include that in your report, the
8 criminal statutes you reviewed when you were doing your
9 criminal investigation?

10 A. I didn't feel like it was relevant to do so.

11 Q. Why not?

12 A. Because it didn't meet the burden for that
13 statute.

14 Q. So if something did not meet the burden, in your
15 opinion, you would omit it from your report instead of
16 explaining your investigative process?

17 MR. JONES: Object to the form of the question.
18 Go ahead.

19 THE WITNESS: I didn't feel it was relevant to
20 put in my report.

21 MS. PORTER: I think that's all the question I
22 have.

23 MR. KNOTT: Nothing further.

24 MR. CASSERLY: Nothing further.

25 MR. JONES: I don't have any.

Page 86

1 THE VIDEOGRAPHER: Okay. The time is 3:12 p.m.
2 We're going off the record.
3 (The deposition was concluded at 3:12 p.m.)
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Page 87

1 STATE OF WISCONSIN)
2 COUNTY OF POLK)
3
4 Be it known that I reported the remote deposition of
5 JEFFREY SPENCER on the 12th day of October, 2023;
6 that I was then and there a Notary Public in and for
7 the County of Polk, State of Wisconsin, and by the virtue
8 thereof, I was authorized to administer an oath;
9 that the witness, before testifying, was by me first
10 duly sworn to testify to the whole truth and nothing but
11 the truth relative to said cause;
12 that the testimony of said witness was recorded in
13 stenotype by myself and reduced to print by means of
14 computer-assisted transcription under my direction, and
15 that the deposition is a true record of the testimony
16 given by the witness to the best of my ability;
17 that I am not related to any parties hereto nor
18 interested in the outcome of the action.

19 Dated this 31st day of October, 2023.

20 *Michelle A. Manni*
21

22 _____
23 Michelle A. Manni, RPR, Notary Public
24 State of Wisconsin At Large
25 My Commission Expires June 28, 2025

Exhibits	19154 46:22 47:2	3	abdomen 63:6 Absolutely 14:6 23:13 30th 45:7 31st 61:13 352 61:21 3:12 86:1,3	27:15 41:23 50:25 54:13 58:24 59:9 63:23 66:10,19 69:8 70:7,24 72:12 84:25 85:18 aid 71:25 alcohol 62:1 63:13 67:18 68:9 73:8 accurately 20:25 ACH 46:22 47:2 61:8 acquire 22:5, 12 act 32:5,7 44:2, 19 acted 81:2 acts 30:23,25 42:10 84:6 actual 67:12 administrative -type 19:2 administrator 7:14 Advanced 7:16 8:7 advised 32:23 33:6,7 34:2,21, 23 45:10 51:10 63:4 66:11 74:16,19 75:2 advising 55:8 affect 67:19 affects 70:20 agreed 8:18 35:2 36:10 38:7 49:2 agreement 8:20 9:10 35:11 ahead 15:24 17:11 18:1 20:21 22:8 24:1,16 25:21
Exhibit 47_ Spencer 6:4 7:2 52:9 59:16	19157 61:8 1:21 29:18 1:26 29:15 1:28 29:24	2	47 7:2 52:9 59:16 48 7:2 54:18 49 7:3 32:9 45:5 49:22,23 62:18 65:23	Alex 39:24 alive 34:14 allowed 66:4 73:18 Amber 61:12 ambulance 27:1 amlodipine 64:22 Andrew 8:2 another's 79:8 answers 10:7, 12 11:4,6 67:13 anticipate 53:23 anticipated 53:25 anticipating 55:25 apologize 16:8 38:18 41:15 42:3 43:1 53:8 54:20 78:25 83:3 appearance 7:20 appeared 60:17 appearing 7:24,25 8:4,9 appears 32:15 33:14 43:21 59:18,25 61:25 66:20
Exhibit 48_ Spencer 6:5 7:2 54:18		5	51 43:5,8,10 52 46:23,25 47:4 53 60:22 61:2	
Exhibit 49_ Spencer 6:7 7:3 32:9 45:5 49:22,23 62:18 65:23	2008 16:23 19:7,11 2010 18:17	6	68 68:23	
Exhibit 51_ Spencer 6:10 43:5,10	2017 18:18 2019 32:23 33:2,11 34:21 45:7 46:3 48:4, 6 51:8,11 63:9 66:8 74:16	7	730 7:10	
Exhibit 52_ Spencer 6:12 47:4	2023 7:11 29:24 58:9 76:20	8	8 68:23 8:00 63:9	
Exhibit 53_ Spencer 6:13 60:22 61:2	22nd 66:8 23d 33:11	9		
0	23rd 32:23 33:2 48:6 63:9 67:25 74:16	A	9:00 48:3 9:40 46:3 a.m. 48:3 63:9	
001098 64:12	24 16:2 25th 51:11 26 34:21 26th 49:2 51:11 57:5			
0900 48:3	27th 46:3 48:4 49:5 57:19			
1	28 51:8 2:14 58:3 2:20 58:2 2:22 58:9 2:51 76:14 2:58 76:20			
1099 64:12				
10:00 48:3				
10:03 53:3				
11 7:10				
12/28/2019 45:9				
12:47 7:12				
12th 7:11 29:24 58:9 76:20				
15 19:14 25:10, 12				
16 18:18				
17 18:18				
19 64:4				

apply 81:24	66:14 75:6	74:14 blame 73:12 blood 51:9,10, 13,14,16,17,19, 23 52:2,5 53:20,21 56:25 63:5,8 67:5,20 68:10 69:15 74:6 blue 55:9,10 booking 33:8 38:16,20,21,24 bottom 45:17 62:25 Bower 75:16 Boyer 7:14,15 13:18 14:20,23 27:23,25 28:3, 11,14,16,22 based 23:17 30:2,13,17 36:8,20 41:7 53:9 54:8 73:10 82:17 basement 48:2 basic 20:8 38:24 71:25 Bates 47:1 Bates- stamped 46:22 61:8 64:11 begin 9:9 21:15 beginning 26:6,8 53:2 74:15 behalf 7:16 8:2,9 believed 59:2 Benzo 61:25 benzodiazepin es 63:10,11 bit 10:10,11 11:10 12:12 14:25 45:5 46:1 56:2 58:25	74:14 blame 73:12 blood 51:9,10, 13,14,16,17,19, 23 52:2,5 53:20,21 56:25 63:5,8 67:5,20 68:10 69:15 74:6 blue 55:9,10 booking 33:8 38:16,20,21,24 bottom 45:17 62:25 Bower 75:16 Boyer 7:14,15 13:18 14:20,23 27:23,25 28:3, 11,14,16,22 based 23:17 30:2,13,17 36:8,20 41:7 53:9 54:8 73:10 82:17 basement 48:2 basic 20:8 38:24 71:25 Bates 47:1 Bates- stamped 46:22 61:8 64:11 begin 9:9 21:15 beginning 26:6,8 53:2 74:15 behalf 7:16 8:2,9 believed 59:2 Benzo 61:25 benzodiazepin es 63:10,11 bit 10:10,11 11:10 12:12 14:25 45:5 46:1 56:2 58:25	74:14 burden 79:21 80:4 85:5,12,14 bureau 18:24 business 17:16 C call 17:17 28:12,13,21 29:9,10 53:4,7, 9,13,14 called 66:7 calling 77:24 calls 66:5,7 73:19 77:12,21 79:13,15 cancer 63:7 captain 9:22, 24,25 16:13,18 17:6 18:6 30:2 33:21 43:13 58:12 66:11 76:23 77:24 82:15 84:20 captured 57:11 captures 83:21 cardiomyopat hy 63:6 care 50:22 58:16,22 68:1 75:20 76:5 77:9,19 78:17 79:10 80:1 82:4,7,9 83:19 84:18 case 7:18 10:2 13:21 14:21 21:24 26:15 27:20,23 32:16, 18 33:3 40:18 53:18,22 54:4,6 61:15 79:19,25 80:1,10,12,19 83:18 84:2,6,16 85:2	74:14 cases 19:1 21:22 CASSERLY 70:22 82:25 85:24 caused 44:13 45:12 cell 13:18 33:8 34:8,17 56:11 Center 48:2 Central 7:12 29:14 certainty 82:21 certification 15:16 certifications 15:11,21 71:24 chain 43:10 60:22 61:14 change 20:24 changed 17:5 charge 82:1 check 9:8 checked 60:1, 2,8 checking 60:5, 11 chest 64:13,16, 19 74:7 Chicago 7:24 8:1 chief 44:11 Christine 7:15 14:20 18:20 25:25 26:15 27:20 30:4,23 32:25 33:6,7 34:21 42:11 46:11 50:5 54:11 58:15 60:8,19 63:3,4 65:6 66:3,12, 15,23 67:19 70:17 74:17,19 75:2,9 76:25
--------------------	------------	---	---	--	--

77:3	13:8 26:12 32:16,18 35:8, 19 43:20	Continued 15:13	counseling 17:22	
Christine's 28:19 38:11 66:6 67:4	completely 38:17	continuing 15:19,22 33:5 34:2,20 35:1	County 8:3,4 16:13,16,22,24 17:8,24 18:9,15	D
circle 55:10	completing 36:12	contribute 59:24	20:15 21:5 22:2,20 35:14 37:18,22 57:17	Daniel 8:6
circumstance 77:21	computer 21:12	convened 7:12	58:20 64:11,14, 18 65:13,17 75:20	Danielle 8:3 39:21
circumstance s 30:4 35:18 65:6 79:1,8 81:24	concluded 86:3	conver- 12:15	couple 18:4 76:23	date 26:1 56:24 57:18 59:25
civil 53:18,22 54:4,6 57:7,8	conclusion 77:13,18 79:13, 16 82:15,17 83:5,17 84:16	conversation 10:11,16,17 11:11 26:23 27:17 28:2,7,9 33:10,13,14,15 35:4,6,15,24 36:3 53:4 61:14	Coupled 41:1	dates 18:14
civilian 17:8,23	conclusions 80:12	conversations 12:14 26:11 37:17,21 54:1	courses 16:10 21:11,12,13	day 7:11 34:23 49:4,5 57:5
clarification 14:12	condition 60:20 63:21 66:24 67:4	coordinating 19:4	court 7:8,9 9:2, 3 10:15,20,22 11:9 22:14 43:6,8 68:24 78:23 81:20,21 83:7	days 52:3
clarify 11:1	conducted 29:22 58:7 76:18	copy 52:19	courtroom 10:8,13	death 13:19 25:25 26:7 28:19 30:5,7,9, 19,23,25 31:16
classes 15:9	conducting 21:25 58:20 59:12 75:8	Coreg 64:22	cover 15:22	32:3 42:11,15, 18,23 43:17,21, 24 44:9,14,18, 21,24 45:11,23 50:6 51:21,23 54:6,11 55:3,5 63:18 65:7 68:2 72:9,16 73:13
clean 34:10	confirm 63:3	correct 14:15	CPR 26:25	deaths 21:11
clients 9:12	Conroy 43:17	19:11,12,14 23:20 25:10,19 28:15 34:19 41:9,10,21	crime 62:12,15 77:6 78:13	debrief 48:1,5 49:16
codes 82:21	consideration 31:5	46:18 50:6,7,9, 22 51:1 54:11, 14 55:11 57:16	crimes 18:12 21:12	debriefing 48:16 49:10
collect 22:23	considered 77:10,18 78:18 79:11 84:10 85:1	58:17,18 60:9 63:21 66:17,20, 24 71:25 72:7 78:9,14,19 84:9	criminal 15:4, 10 24:25 25:18 30:6,7,8,19,22, 23,24 32:5,6 36:11,14,19 42:9,10,14 44:10,18 53:22	December 32:23 33:2,11 34:21 45:7 46:2 48:4,6 51:8,11 57:5,19 61:13 63:9 66:8 67:25 74:16
collected 21:20 38:14	constitute 82:16	correction 47:18	58:14,21 59:4, 12 60:12 62:6 69:23 70:2,3,12	decide 21:18, 23 22:2 23:3,7, 9 71:10 72:8
collecting 20:11 21:17 23:18	consult 80:16	Correctional 7:16 8:7	78:3,18 79:24 80:2 81:7	deemed 68:16 70:16 73:6
college 15:14	consulting 51:24,25	Corrections 39:22,23	82:10,21 84:5,6 85:8,9	Defendant 8:7 61:15
college-level 15:9	contacted 51:9	correctly 10:23 42:12 43:5 61:3 78:4, 8 80:24 83:19	critical 48:1,16 49:16	defendants 8:2,10 9:12
committed 62:13,15 78:13 80:19 84:1	continue 11:13 58:10	counsel 7:22 10:1 12:8,14 76:24	current 16:12	defined 78:18 79:7
common 19:25			cursor 45:7	
complained 17:18				
complaint 17:16,21 20:6				
complaints 17:8,24 18:10				
complete 35:2, 9 38:8 49:3				
completed				

definitions 79:19	12 42:10 44:15, 21 45:11,12 50:4,21 51:21 65:16 71:19 72:14 77:3 79:20,25 80:18 81:1,6 84:6,7	disregard 79:9 distinction 38:1 determined 41:18 45:22 52:1 determining 30:24 50:18 development 16:6 diazepam 61:22 62:2,4,12 66:23 67:15 68:8,16,22 69:13 70:2,8,21 72:21 73:15 82:8 diazepine 63:20 diazepines 63:12 died 31:2,12 44:15 62:8,14 75:10 dies 55:24 difference 36:14 difficult 11:8 direct 26:10 directly 26:23 directs 11:15 discretion 41:11,17 discuss 36:2 discussed 50:3 56:8 65:8 66:8 67:15 discussion 65:18 disposition 17:20	E	enforcing 78:11 ensure 25:15 entail 15:5 entailed 15:8 entered 32:8 errors 31:15,25 32:3,4,6 established 66:24 estate 7:15 et al 7:17 evaluating 58:15,21 evening 66:7 event 53:24 events 27:8 evidence 20:11 21:17,18, 20,22 22:2,3,6, 9,11,12,17,19, 23,25 23:18 24:10 25:6 31:1,3 36:23,25 37:2 41:1,18 42:1,6 51:17 employment 16:12 17:7 81:3 encompass 33:9 encouraged 48:9 end 10:19 18:17 75:15 endangering 79:7 endangerment 77:7 80:11,19 82:16 83:6,17 84:1,7,17 duties 19:2 dying 56:9
-----------------------------	---	--	----------	---

exhibits 43:2	figure 25:17 76:25 80:9	Fritz 39:24	29:1,3,6 53:3,4 63:4 66:7,11	63:5
exists 22:3	file 38:12,14, 15,17,19 39:3, 11	front 12:5 18:16 27:5 47:9 61:5 69:10	ground 10:5	Healthcare 7:16 8:7
exiting 75:19	filed 17:9	full 8:14 24:10 33:9,12	grounds 70:6	hear 24:4 25:24 50:15 78:23,24
expected 34:22	filming 10:17	FYI 55:13	group 55:2,6	heard 26:7
expecting 55:15,20	final 70:25	G	guards 64:17	heart 33:6 64:21 74:20,22, 25 75:3,4,6,10, 11,16
experience 81:11 82:18	find 24:17,18, 20,21 25:17 36:17 53:21 66:7 73:12 83:8	gather 25:6 41:4	guess 15:14 21:20,22 35:11 54:1 56:24 58:1 59:1 64:16 68:6 69:6 83:24	held 16:15,23 48:1 49:4,19 51:10,14 53:21
experiencing 64:19	fine 9:13 15:18	gathered 34:4 38:10	guessing 44:23	helped 51:20, 21
expert 45:22 80:17	finish 16:9	gathering 38:13	guidance 79:4	helpful 42:16, 17,18,21
expertise 80:17	firearms 16:5	gave 38:2,3 39:18	guilty 80:10	Helping 31:12
explaining 85:16	flighted 27:1	general 15:9 18:12 21:15 24:14 51:16	Gundersen 13:12 51:9 74:12 76:4	helps 10:22 62:7
extent 77:12 79:12	folks 23:11,15 74:2	generally 19:24 24:5,12, 24 27:20,21 32:4 34:15 35:18,21 46:14 59:4	half 12:24 17:3	Hendrickson 8:4 28:3,14,15, 25 38:11 39:10, 17 66:11
F	follow 70:19	give 10:12 11:4,6 36:5 43:1 45:2 73:23 74:3 79:4	Hallman 26:17, 19,21 27:3,10 32:24 33:7,10 34:3 74:16	Hendrickson's 27:25
face 38:20	footage 57:9, 10	giving 10:7,13	hand 9:1	high 63:5
fact 61:24 69:1 73:2,7	force 10:13	glass 61:19	handwriting 52:20	highlight 32:21
facts 70:6 79:18 80:3 82:16 84:16	form 15:23 17:10,25 19:18 20:4,20 22:7 23:25 24:15 25:20 27:11 28:4 31:18 40:16,25 41:22 50:10,23 54:12 56:21 58:23 59:8 64:25 66:18 69:7 70:5 71:12 75:21 77:11,20 78:20 79:12,14,15 81:4 83:20 84:19 85:17	goal 24:14	Handwritten 7:2	highlighted 45:6 47:24 51:6 53:16 62:24 67:9 73:18
familiar 50:17 64:13 77:6	forward 40:10 82:1	good 55:18,20 62:1	happen 35:22 55:20	highlighting 32:22 46:2 51:5 64:20 65:24
feed 10:19	found 41:2 42:1,6 63:4,8, 11 67:17 70:8	governing 20:16	happened 31:6 49:19	hired 16:18,21
feel 10:11 80:4 81:25 85:5,10, 19	foundation 69:8	Great 9:15 11:18 12:1,4,7, 11,20 13:4,14 18:4 25:8 29:17 43:9 49:25 51:3 62:9,16,18	happy 10:25 11:1	history 63:17
feels 11:10 48:8	frame 48:23	Greg 7:14 14:23 27:25 28:3,11,14,22	Hardy 8:9,24	hold 51:15 82:20
felt 40:7,9,18 41:25 70:9,12 79:21			Harmston 8:11	homicide 30:10 80:7
female 26:24 32:24 74:17			head 11:5,6 16:2 17:16 37:25 39:1 79:5 80:14	hope 43:6
Fennigkoh 8:8 61:15,16,18 68:15			health 49:17	hospital 26:2,5 27:1 51:9 60:4,

8 hospitalized 32:25 74:18	include 59:7 63:14 85:7	interaction 46:5	83:25 84:2,5 85:9	58:7
hour 12:25 57:23	including 18:5 63:5	interesting 61:23	investigations 16:6,7 18:12 19:8,13,25 20:1,17 21:4,10 24:13 25:2,9,13	job 15:13,19 78:7
hours 16:2 21:10 25:12 33:1 74:19	inclusive 21:9	internal 36:12, 15,16		John 82:24
human 79:9	independent 27:7,13,16,19, 22 28:23 30:13, 16,17 50:5 53:11	interrupted 15:17,20		Johnson 8:11 56:21
hundreds 21:9	independently 27:24 28:8,20 29:8,11 35:5 36:7 46:6 53:6 57:12	interrupting 38:18 53:8		Jones 7:7 8:2, 21 9:7,9,14 12:3,7,8,9,19 13:1 15:23
hypothetical 77:21 79:15		intervention 52:3		17:10,25 19:18 20:4,20 22:7 23:25 24:15
I		interviewing 20:8,9 21:16		25:20 27:11 28:4 29:16,23 31:18 33:17,24
identification 7:5 43:11 47:5 60:23 61:22	individual 40:13,14 68:11	investigate 69:14,17		40:16,25 41:22 46:23 47:1,3,15
identified 32:24 62:3 74:17	individuals 40:4,23 41:20	investigated 18:10 69:13		50:10,23 54:12 58:8,23 59:8 63:22 64:25 66:18 67:21 69:10,19 70:23
identify 8:19 22:25 23:10,13, 17 31:14,25 32:2 61:19 75:13	informal 10:11	investigating 21:11,12,13		71:12 72:10 75:21 76:6,12, 19 78:20 79:12
identifying 68:16	information 30:21 34:4 38:13,16,24 40:9,19,22 41:4,9 42:21 49:9 53:14 63:3 65:21 66:3 70:4,9,13 71:15	investigation 13:16 14:1 19:6,17,21,23 20:3 21:15,19 22:1 23:1,4,7, 14,22,23 24:11, 14 25:5,15,16 26:9 28:1,6 30:3,6,14,22 31:11 34:5,12, 15 35:3,7,10, 13,17,19 36:3, 6,11,12,15,16, 17 37:15,19,23		41:24
Illinois 7:24 8:1	informed 46:3, 11,14	initial 45:10,13, 17 55:7		issue 26:25 33:3
imagine 19:24 57:7	ingesting 67:18	initially 18:11		issues 63:5
impactful 72:5		initiate 20:1,3		jotting 60:16
important 33:15 70:13,16		initiated 30:14		judge 10:8,14
in-depth 18:13		inmate 26:24		jump 42:7 45:2
inaudible 22:13 72:23		instruction 36:24 37:4,7		50:1 58:12 65:23
incident 18:20 22:1 23:11,15 25:25 26:7,18, 20 32:10 33:3 39:6,25 45:2 48:1,5,8,16 49:4,10,16 54:11 62:18,19 74:13		instructions 36:22		jumped 45:5
		instructor 16:6		jumping 45:25
				jury 10:9
				justice 15:4,10 48:2 78:3
				K
				Kafka 8:6
				Kentuckiana 7:9
				Kentucky 7:10

kind 15:6 26:5 70:8	lieu 73:23 74:3, 8	Lucas 39:22	14,16 45:22 46:14 50:22 M Maas 39:24	80:4,8 85:5 Michael 45:9 Michelle 7:8 milligrams 61:22 Milwaukee 8:8 Minneapolis 8:12 Minnesota 15:8 minutes 29:13 55:14 57:24 76:11 mix 15:9 18:12 62:1 73:7 Moga 8:3 39:23 moment 42:25 43:1 45:2,3 46:17 47:12 49:22 51:3 52:8 54:17 60:25 61:3 72:21 80:15 83:7 Monroe 8:3,4 16:13,15,21,24 17:8,24 18:9,15 20:15 21:4 22:1,20 35:13 37:18,22 57:17 58:19 64:11,14, 18 65:13,17 75:20 morning 48:6 74:19 mortality 50:8, 13,16 mourning 33:1 move 40:10 51:4 62:23 moving 53:15 muddled 42:4 mute 84:21
knew 40:8 54:6 55:18,19,22 59:1 75:16	lieutenant 9:22 17:4,6 18:6,21,23 26:17,19,21 27:2,9,25 32:24 33:7,10 34:3 38:11 39:10,17 74:16		magnifying 61:19	52:1,2 59:23 60:3,5 61:24 63:2,17 65:7,9 66:2,13 68:1 71:21,24 72:3, 18 73:22 74:9, 11,24 75:12 77:9,19 78:17 79:10 80:1,17, 18,24 81:1,11 82:4,7 83:19,25 84:18
Knott 8:6,23 69:7 70:5 77:11,20 79:14 82:14,23 83:20 84:8,13,19 85:23	life 34:22,24 55:23 79:9		Main 7:10	82:4,7 83:19,25
Knott's 83:4, 15	lights 17:19		make 9:22 10:23 30:6 43:22,23 44:23	medication 65:16 67:20 69:16,18,21,25
Kyle 39:23	limitations 37:14,19,23 38:2,4		makes 72:22	medications 64:21 65:8,12, 19 66:4,6,9,15, 16 67:5,12
L	lisinopril 64:21		making 42:15, 22 44:9 50:5 59:21 78:12	68:11 70:18,19, 20 73:20,21,23 74:3,8
lab 63:8	list 16:1		management 16:10	medicine 63:12
lack 71:4	listed 18:4 44:24 74:25		mandatory 48:7	meet 12:14,18, 20 85:12,14
lag 10:18 16:8	litigation 53:23 54:10 57:7,9		Manni 7:8 68:19 78:25 81:18 83:11	meeting 48:7, 10,12,18 49:4,8
laid 11:16,21 12:5	local 17:16		mark 8:9 53:19 54:4	meetings 12:23 13:2 49:13
larger 47:13 62:23	locate 66:9		marked 7:4 43:10 47:4 54:18 60:22	12:23 13:2 49:13
law 15:10,15 16:5 20:7 36:19 78:1,7,8,11,18 82:18	located 7:9 11:24 21:21		matter 7:14 36:18 43:17	Megan 7:23 9:9 10:1 47:15
laws 24:18,21, 22,24,25 25:18 78:2	location 7:21		mattered 82:10	members 22:20 58:19 59:5
lawyer 11:12, 14	locked 33:9 34:3,6,9		mental 49:17	mental 49:17
lay 10:4	locking 34:17		mention 31:7	mention 31:7
leads 23:7 24:6	long 11:19 12:22 19:5 51:16 55:25 56:2		mentioned 52:22 77:25	mentioned 52:22 77:25
leave 49:14	long-term 63:5		message 46:13 55:2,6,7, 22 56:25	message 46:13 55:2,6,7, 22 56:25
led 63:18	looked 57:4 66:22 67:16 73:15		messages 7:3 55:10	messages 7:3 55:10
left 43:6	lose 51:16		met 45:7 79:21	met 45:7 79:21
legal 77:13,17 78:4 79:13,16, 19	lot 17:17,19 41:11			
level 80:14 81:7 82:9	Louisville 7:10			
levels 59:19,23 60:1,2,7,12,19	lower 74:6			

11	71:12 75:21 76:6 78:20 79:12 81:4 84:19	P	person 13:2 pharmacist 71:16 p.m. 7:12 29:18,24 46:3 58:3,9 76:14,20 86:1,3 observing 20:7 obtained 40:23 occur 28:3 occurred 22:1 24:17,20 25:7, 17 26:21 28:7 30:19 35:24 42:10 45:9 48:5 83:18 84:6,7,17 October 7:11 29:24 58:9 76:20 office 16:14 19:8 27:25 28:9,11 48:1 officer 39:22, 23 78:2,8 officers 61:19 omit 85:15 one's 72:5 ongoing 16:3 online 7:7 75:18 open 17:18 19:3 openly 49:18 operations 16:5 opinion 78:13 82:20 83:16 85:15 opioid 63:12 opioids 62:1 opposed 36:12,18 44:3 order 20:1 oversaw 18:24	60:24 64:1 65:2 66:21 67:23 68:19 69:4,12, 24 70:15 71:2, 17 72:15,17 76:1,8,13,22 77:16,23 78:21, 25 79:6,22 81:8,14,18 82:2,11 83:2, 11,14,23 84:11, 14,20,24 85:6, 21 portion 32:22 39:20 42:3 43:15,18 45:6 46:2 51:4,5 pill 61:16,18 62:3 68:16 Pisney 8:8 place 37:14,22 52:3 plaintiff 7:23 plaintiff's 7:22 10:1 point 27:4 28:1 33:19 34:13,14 38:6 39:15 48:21 55:21 56:18 73:8 pointed 63:16 policies 20:16, 19,24 21:1 policy 36:17 poorly 39:12 pop 60:17 Porter 7:23 8:22 9:5,8,13, 15,20 10:1 12:10 17:13 patrol 17:2 18:13 39:23 pause 29:20 58:5 76:16 pelvis 63:6 pending 7:17 11:19 people 34:10 48:17 73:2 period 67:25 periodically 11:12
----	--	----------	--	---

84:1	procedure		21 83:3	81:2
preceding	36:17	Q	reading 41:20	recklessness
68:2	proceed 9:5		55:12 68:15	79:7 81:12
preparation	29:25 76:21	qualified	73:10,17 74:1	recognize
36:21	proceeding	71:10,14,18	83:9	32:12 43:13
prepare 13:5	34:5	72:8 81:1,6,9	reads 61:20	47:7 52:16
14:17	proceedings	question	ready 9:5	54:24 61:8 64:7
prepared	7:1 29:20 58:5	10:21,24 11:14,	47:15	recollection
12:12 56:8	76:16	19 16:20 31:24	real 58:13	26:10,12 27:8,
preparing	process 85:16	44:8,20 53:19	realize 17:18	13,17,19,22
20:13 21:17	produced	54:4 56:15	reason 73:12	28:23 30:3,13,
prescribed	45:22	65:14 67:13	reasonable	16,18 46:7,9
63:11 65:13,17	professional	68:13,20,23	53:11	53:11
67:5 68:10	78:13 83:16	69:10 70:6,25	reconstruction	
69:15,18,25	prognosis	71:18 75:22,25	recall 18:2	63:7
73:5,24 74:4	55:18,19	77:11 79:2	26:1,6,14,16	
prescription	promoted	81:5,16,17,19,	28:2,20 34:25	record 7:6 8:15
72:21	17:4,5	21 83:2,20,22,	35:6 36:4,7,8,	29:19,21 32:23
present 10:15	property 66:12	24 84:3 85:17,	39:4,18 40:5	55:13 58:4,6
13:2	protocol 64:13	21	46:5,8,10,13,15	59:23 60:3,5
presented	protocols 10:5	questioning	47:19 48:22	66:6 74:24
21:23 80:3	64:14,17	83:4,10,16	53:4 56:2	76:15,17 86:2
preserve	provide 77:19	questions	57:12,13,16,17,	recording
34:16,18 56:6,	providing 77:9	10:7 11:2,12,20	20 59:22,25	10:16 59:19
13,16,19 57:10,	78:17 79:10	37:24 76:10,24	64:10 65:10,11,	60:7
14,18	provision 80:1	82:11,12,24,25	15 67:6,22	records 19:4
preserved	83:18 84:17	83:1	68:3,5,7 73:25	31:8,11 37:8
56:10 57:8	provisions	quick 58:13	74:1,23 75:1	39:3,14,16
preserving	78:4	quickly 16:25	recap 50:3	61:24 65:7,9
56:25	prudent 40:14	55:13 65:24	receive 13:24	72:18 74:9,11
pressure 63:6	Psychological	R	37:1,4,7 39:16	75:12
67:5,20 68:10	8:10	radiation 63:7	75:20 76:5	refer 79:2,19
69:15 74:7	pulled 61:16,	raise 9:1	reference 61:7	
presume 11:3	18	range 15:25	64:16	references
previous 44:8	purpose 28:21	16:7	39:5	
52:9	29:10 30:3,21	ranged 16:4	referring 24:22	
previously 7:4	31:10 34:17	rank 9:21	57:2	
27:6 32:8 49:1	36:1,2 42:8	re-ask 68:13	refresh 47:17	
54:18 57:4	50:2,3,20 58:13	81:17	related 25:25	
58:14 64:3	59:6	reach 83:17	26:7 27:20,23	
prior 13:18	purposes	reached 26:17,	30:7,9 32:16,18	
52:4,8 56:24	49:20	19 80:14 82:17	53:23 60:17	
57:5 75:19	put 46:17 64:3	83:5	61:23 71:15	
prisoner 64:19	69:1 70:16	read 47:10,12	72:19 74:2,7,25	
probable	71:8,14 85:20	52:13,15 68:20,	relates 44:1,10	
81:25		23 73:10 81:19,	relevance	
			69:3,5	

relevant 23:1 24:10 40:22 41:3,9,19 42:6 49:9 60:12 62:5 68:9,11,16,21, 22 69:22 70:1, 2,10 71:6,11,19 72:9 73:6 75:10 80:22 85:2,10, 19	78:23 81:20,22 83:7	13:11,15,23 14:7,13 20:16 Reporters 7:9 reporting 20:7 reports 20:13 21:17 31:4,7 39:21,25 40:8, 11 41:20 45:19	27:6,14 39:21 40:1 63:2 66:6 74:12 85:8	scrolling 52:23 search 14:2,7 searching 61:20 secured 34:9	shortly 55:24 show 79:8 Showed 63:9 side 61:21 significant 63:4 single 13:12 16:3
rely 75:14	represent 7:9	reviewing 19:3 23:18 24:13 26:16,22 31:11 47:17 60:13 75:12	road 18:11	seek 22:25 23:5	sir 69:7 71:18
remember 13:10 26:22 27:8,24 28:7,8, 25 29:3,6,9,10 33:13 35:3,23 53:6,9,12 61:2 65:9 81:12	represented 12:8	Robert 43:17		sirens 17:19	
remembering 42:12 43:5 78:4 80:24	request 51:13	room 12:1 28:16 48:2 53:7,9,12 77:4 79:10	rules 10:5 11:16,20	select 14:6,8 send 82:1 sending 79:9	site 61:22 sitting 27:9
remind 11:23	research 60:18 63:10,19 67:25 74:22 75:18 76:2 82:3,6,8	Runice 39:22		Skipping 66:10	
removal 63:7	respect 83:18		S	small 33:17	
removed 34:22	respond 11:2, 13,15 18:25 61:23			sort 35:21 36:5, 18 38:12,25 84:16	
repeat 10:25 16:19 31:20 42:4	responding 11:5 17:17			sound 25:18	
repeating 25:11	response 16:9			sounded 37:25	
rephrase 11:1 84:4	responsibilitie s 18:8,22			source 39:19	
report 7:3 13:8, 13 26:12,13,16, 22 27:5,6,14 32:10,16,17 33:14 35:6 36:9,21 40:13, 15,24 44:12,25 45:2,14,17,18 46:6,7,9 49:25 51:5 62:18,19 63:15 66:14 70:11,13,17 71:9 74:13,15 85:7,15,20	resulted 42:11			Sparta 8:5 11:25	
reporter 7:8 9:2,4 10:15,20, 22 11:9 22:14 43:6,8 68:24	resulting 30:19			speak 14:17 23:24 40:3,14, 20 41:12,17,19 65:22 72:24	
	results 63:8			speaker 28:16	
	revealing 12:13			speaking 23:10,14 28:18 40:23 41:4,8	
	Revels 35:2,4, 5,11 37:9 43:16			specific 14:9 15:10 21:10,11, 13 23:11 44:13	
	review 13:4,7 14:3,8,14 36:8, 20 39:2,14 40:13 41:18 45:13,15,16,19, 21 50:8,13,17 53:10 66:2 72:18 74:10,24			57:2 77:25 79:18 81:24	
	reviewed			specifically 15:14 19:9 46:15 49:12,17 57:1 70:11 80:6 85:3	
				specification 77:13	

specifics 79:3, 25	24 82:21 84:3	73:21	60:15	title 17:5
speculate 81:15	stated 74:11 80:23	suggested 38:4	talking 12:12 27:25	today 7:11 8:19 10:15 14:18 27:9 29:23 58:8 76:19
speculating 81:13	statements 31:4	suggestion 37:5,8	technician 7:8	today's 12:15 13:5
speculation 77:22,24	States 7:17	suggestions 37:1	terminology 44:1	told 46:8,10
Spencer 7:4, 14 8:16,19 9:1, 16,21,25 29:22 30:2 33:21 43:13,16 47:21 58:7,12 68:21 76:18,23 77:25 82:15 84:20	statute 79:20 80:2,5,13 81:24 84:15 85:4,13	Suite 7:10	tested 61:25 63:10	top 16:2 17:15 32:22 38:25 47:10 53:2 61:21 79:4 80:13
spend 12:11	statutes 79:3, 24 80:4,7 85:1, 8	supervisor 48:17	testified 9:17	topics 15:21
spoke 12:21 27:9 35:1 40:8 49:1	stay 34:10 57:11	Supplemental 7:3	testifying 11:11	total 63:6
spoken 38:7 48:20 49:1	step 20:5 38:9, 13	support 34:22, 23,24 55:23	testimony 13:21	training 15:12, 13 16:3 19:4 21:3,7,10 25:12 48:2 71:21
squared 55:15 56:5	Stephen 7:25	suppose 69:2	TEVA 61:20	78:1,2,4 80:24 82:17
staff 34:9	steps 19:25 20:8 56:6,13, 16,19 57:10,14, 18	supposed 66:3,15 67:9 70:17	text 7:3 46:13 54:3 55:2,6,7, 22 56:24	transcribe 10:23
Staffing 8:10	Stier 45:9	surprise 54:7	thing 20:5 31:23 35:21 36:18 38:12,25	transcribed 11:8
stamp 47:1 56:24	stipulate 8:18	surrounding 30:4 31:1 65:6	things 15:25 21:15 26:11 31:5 63:17 79:20	transcribing 10:20
Stan 8:4	stop 42:25 45:1 46:16 49:21 52:7 54:16 57:22 60:25 62:16 64:2	survive 33:7 74:20	thought 85:3	transcripts 13:21
standard 19:17 50:21 58:16,22 82:4, 7,9	strange 10:10 11:10	suspects 20:9	thousand 16:23	trauma 45:12
stands 51:25	Street 7:10	sworn 9:3,17	thousands 21:10	turning 76:24
start 10:22 23:23 24:5,8,10 30:15	strike 30:12 31:23 32:1 37:12 40:12 47:11 50:19 75:17	symptoms 74:22,25 75:4, 6,11,13	throat 41:15	type 19:20 22:16 48:18
started 17:2 19:7,10 35:14, 16 48:21,23 49:5	<hr/>	system 62:8 73:9	time 7:11,12 11:18 17:24 18:19,21 19:3 20:15,23,24 25:9 27:2 29:14,15,18,24 48:23 51:23 53:20 57:25 58:3,9 62:8 65:13 68:1 70:24 71:7 76:14,20 84:3 86:1	types 49:12
starting 7:21 9:21 68:21 83:4	structured 39:8	taking 57:14, 18 68:10,25 69:15,17,21,25 72:21 73:4,7	<hr/>	typically 19:24 20:1 32:6 35:14 42:20
state 7:20 8:14 15:7,15 24:24, 25 73:20 79:3,	study 15:6	talk 14:25 23:3 28:17 35:20 37:5 49:18 50:1	<hr/>	U
	subject 32:24 43:17 49:10 61:17 74:17	talked 23:8,10 48:22 53:12,14 56:11 59:23	times 12:20 59:25	ultimately 75:14
	substance 12:13			Um-hmm 37:10
	suffered 66:13			

um-hmms 11:7	videoconferen ce 7:13 29:23 58:8 76:19	worded 39:12 work 10:6 19:6, 10 25:15 43:1
ums 11:7	videos 31:4	worked 20:24
unable 45:10	violated 24:18, 21,22 25:18 36:18 80:1	working 19:10 25:9,11
understand 10:6,24 11:15 24:8 25:7,8 27:4,5,12 60:14 62:7,11,14 64:18	violation 20:7	works 65:21
understanding 14:11 23:21 44:6 59:11 68:14 83:15,19	violence 21:13	write 53:19
	W	writing 35:15 59:25
understood 11:3	wait 10:21	written 20:16 40:13 54:4,9
Unidentified 61:17	Walensky 45:8	wrong 16:20 23:20 25:11 46:18 54:19
United 7:17	walk 16:25	
universe 24:10	19:16 26:5	
University 15:8	wanted 9:8	Y
unnecessary 41:25	Warren 8:3 39:21	year 16:3
USA 8:9	watch 33:8	years 15:8 17:3,4 19:14 25:10,12 26:23
utter 79:8	ways 22:12	
UW 74:13	Weil 7:25	yield 41:9
UW-MADISON 13:13	weird 60:15	younger 33:24
	well-being 49:17	
	Z	
	Wes 43:16	
	West 7:10	zoom 7:24,25 8:4,11 10:11,18 33:18,21 52:14
	Western 7:18	
V	wide 15:25 16:6	
vague 77:12,20 79:14	Winona 15:7	
vehicle 16:5	Wisconsin 7:18 8:5,8 11:25 15:16 16:14 24:24,25 78:19 79:24 80:2	
verbal 11:4,6 17:22 35:14	witnesses 20:9 21:17 23:6,10,14,17 24:11 37:5	
verbatim 20:22	word 11:7 55:13	
versus 36:15		
victims 20:8 21:16		
video 7:7 10:19 57:9,10,14,18		